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Committee on the Environment, Public Health and Food Safety

2013/0344(COD)

28.1.2014

CONSOLIDATED AMENDMENTS 1 - 6

Draft report

Peter Liese

(PE522.946v01-00)

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

Proposal for a directive

(COM(2013)0722 – C7-0374/2013 – 2013/0344(COD))

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United in diversity

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Consolidated amendment 1
EPP, S&D, ALDE

Compromise amendment replacing Amendments TRAN13-15, TRAN17-18, TRAN20, TRAN22-24, ITRE8-11, ITRE13-14, 7, 9-16, 49, 52-58, 60-73, 75-103

Proposal for a directive

Article 1 – paragraph 1

Directive 2003/87/EC

Article 28a

Text proposed by the Commission

Amendment

(1) The following Article 28a is inserted after Article 28:

"Article 28a

Derogations applicable in advance of the implementation by 2020 of an international agreement applying a single global market-based measure

1. By way of derogation from Article 12(2a) and Article 14(3), Member States shall consider the requirements set out in those paragraphs satisfied in respect of:

- (a) all emissions from flights to and from countries outside the European Economic Area in 2013;
- (b) 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;
- (c) emissions from flights operated by a non-commercial aircraft operator in each calendar year up to **2020** where the emissions for which that aircraft operator are responsible in the calendar year are less than 1000 tonnes;
- (d) the surrender of allowances corresponding to verified 2013 emissions

(1) The following Article 28a is inserted after Article 28:

"Article 28a

Derogations applicable in advance of the implementation by 2020 of an international agreement applying a single global market-based measure

1. By way of derogation from Article 12(2a) and Article 14(3), Member States shall consider the requirements set out in those paragraphs satisfied in respect of:

- (a) all emissions from flights to and from countries outside the European Economic Area (*EEA*) in 2013;
- (b) emissions from flights to and from countries outside the EEA in each calendar year between 2014 and **2016** 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;
- (c) emissions from flights operated by a non-commercial aircraft operator in each calendar year up to **2016** where the emissions for which that aircraft operator are responsible in the calendar year are less than 1000 tonnes;
- (d) the surrender of allowances corresponding to verified 2013 emissions

from flights between countries in the EEA taking place by 30 April 2015 instead of 30 April 2014, and verified 2013 emissions for those flights being reported by 31 March 2015 instead of 31 March 2014.

The verified emissions referred to in paragraph 1(b) calculated in accordance with Annex IIc shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12 and 14.

2. By way of derogation from Article 3e(5) and Article 3f, an aircraft operator benefitting from the derogations provided for in paragraphs 1(a) to 1(c) shall be issued a number of free allowances reduced in proportion to reduction of the surrender obligation provided for in those paragraphs.

As regards **activity in 2013 to 2020**, Member States shall publish the number of free aviation allowances allocated to each operator by *[OP: insert a date 4 months after the entry into force of this Directive]*.

3. By way of derogation from Article 3d, Member States shall auction a number of aviation allowances reduced in proportion to the reduction in the total number of allowances issued.

4. By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State in respect of the period from 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)**.

5. By way of derogation from Articles 3g, 12, 15 and 18a, where an aircraft operator has total annual emissions lower than 25000 tonnes, its emissions shall be considered to be verified emissions if determined using a small emitters tool approved by the Commission and populated by Eurocontrol with data from

from flights between countries in the EEA taking place by 30 April 2015 instead of 30 April 2014, and verified 2013 emissions for those flights being reported by 31 March 2015 instead of 31 March 2014.

The verified emissions referred to in paragraph 1(b) calculated in accordance with Annex IIc shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12 and 14.

2. By way of derogation from Article 3e(5) and Article 3f, an aircraft operator benefitting from the derogations provided for in paragraphs 1(a) to 1(c) shall be issued a number of free allowances reduced in proportion to reduction of the surrender obligation provided for in those paragraphs.

As regards **activities from 2013 to 2016**, Member States shall publish the number of free aviation allowances allocated to each operator by *[OP: insert a date 4 months after the entry into force of this Directive]*.

3. By way of derogation from Article 3d, Member States shall auction a number of aviation allowances reduced in proportion to the reduction in the total number of allowances issued.

4. By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State in respect of the period from 2013 to **2016** shall be reduced to correspond with its share of attributed aviation emissions resulting from the application of **points (a) to (c) of paragraph 1**.

5. By way of derogation from Articles 3g, 12, 15 and 18a, where an aircraft operator has total annual emissions lower than 25000 tonnes, its emissions shall be considered to be verified emissions if determined using a small emitters tool approved by the Commission and populated by Eurocontrol with data from

its ETS support facility, and Member States may implement simplified procedures for non-commercial aircraft operators as long as there is no less accuracy than such a tool provides.

6. By way of derogation from Article 12(2a) and Article 14(3), for flights to and from countries outside the EEA, an aircraft operator may choose not to report emission data using the percentages in Annex IIc, in order that such emissions shall be calculated by the competent authority. This calculation shall take into account figures from the small emitters tool approved by the Commission and populated by Eurocontrol with data from its ETS support facility. The competent authority shall report all such calculations to the Commission. **Calculations** of emissions made in these circumstances shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12, 14 and 28a.

7. Following the 2016 ICAO Assembly, the Commission shall report to the European Parliament and the Council on the **actions to implement the global market-based measure to apply to emissions from 2020, together with proposals as appropriate.**

In the event that a global measure will not apply from 2020, that report shall consider the appropriate scope for coverage of

its ETS support facility, and Member States may implement simplified procedures for non-commercial aircraft operators as long as there is no less accuracy than such a tool provides.

6. By way of derogation from Article 12(2a) and Article 14(3), for flights to and from countries outside the EEA, an aircraft operator may choose not to report emission data using the percentages in Annex IIc, in order that such emissions shall be calculated by the competent authority. This calculation shall take into account figures from the small emitters tool approved by the Commission and populated by Eurocontrol with data from its ETS support facility. The competent authority shall report all such calculations to the Commission. **The operator shall be informed of the result of the calculations made by the competent authority, and the calculations** of emissions made in these circumstances shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12, 14 and 28a.

7. **The Commission shall report annually to the European Parliament and the Council on the progress of the negotiations and preparations leading up to the 2016 ICAO Assembly as well as on its efforts to promote the international acceptance of the airspace approach among third countries.** Following the 2016 ICAO Assembly, the Commission shall **also specifically** report to the European Parliament and the Council on the **results achieved by the Assembly. In the event that a ratifiable global MBM is agreed, that report shall include proposals, as appropriate, in reaction to those developments. Any proposals should be accompanied by detailed impact assessments.**

In the event that a global measure will not apply from 2020, that report shall consider the appropriate scope for coverage of

emissions from activity to and from countries outside the EEA from **2020** onwards in the continued absence of such a global measure. In its report, the Commission shall also consider solutions to other issues that may arise in the application of paragraphs 1 to 4, while preserving equal treatment for all operators on the same route."

emissions from activity to and from countries outside the EEA from **2016** onwards in the continued absence of such a global measure. In its report, the Commission shall also consider solutions to other issues that may arise in the application of paragraphs 1 to 4, while preserving equal treatment for all operators on the same route."

Or. en

**Consolidated amendment 2 part 1
EPP, S&D, ALDE, Greens, TRAN**

Compromise amendment replacing Amendments TRAN11+16+19+21+25+26, 48, 59, ITRE12+15

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

Directive 2003/87/EC

Article 28a – paragraph 1 - point ba (new)

Text proposed by the Commission

Amendment

(ba) emissions from flights between the outermost regions listed in Article 349 of the Treaty on the Functioning of the European Union and the EEA mainland in each calendar year until a global market-based measure enters into force where, to reflect the proportion of the flights that take place within the European airspace, the operator of such flights has surrendered allowances in respect of the percentages which have to be calculated by Eurocontrol on the basis of the proportion of the Great Circle Distance between the main airports in the EEA mainland and in the outermost region that is not more than 12 miles beyond the furthest point of EEA mainland or calculated in accordance with paragraph 6;

Or. en

Consolidated amendment **2 part 2**
EPP, S&D, ALDE, Greens, TRAN

Compromise amendment replacing Amendments TRAN11+16+19+21+25+26, 48, 59, ITRE12+15

Proposal for a directive
Article 1 - paragraph 1

Directive 2003/87/EC

Article 28a - paragraph 1 - subparagraph 2

Text proposed by the Commission

The verified emissions referred to in paragraph 1(b) calculated in accordance with Annex IIc shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12 and 14.

Amendment

The verified emissions referred to in paragraph 1(b) **and (ba)** calculated in accordance with Annex IIc shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12 and 14.

Or. en

Consolidated amendment **2 part 3**
EPP, S&D, ALDE, Greens, TRAN

Compromise amendment replacing Amendments TRAN11+16+19+21+25+26, 48, 59, ITRE12+15

Proposal for a directive
Article 1 - paragraph 1

Directive 2003/87/EC

Article 28a – paragraph 6

Text proposed by the Commission

6. By way of derogation from Article 12(2a) and Article 14(3), for flights to and from countries outside the EEA, an aircraft operator may choose not to report emission data using the percentages in Annex IIc, in order that such emissions shall be calculated by the competent authority. This calculation shall take into account figures from the small emitters tool approved by the Commission and populated by Eurocontrol with data from its ETS support

Amendment

6. By way of derogation from Article 12(2a) and Article 14(3), for flights to and from countries outside the EEA **and flights to and from an aerodrome located in one of the outermost regions**, an aircraft operator may choose not to report emission data using the percentages in Annex IIc, in order that such emissions shall be calculated by the competent authority. This calculation shall take into account figures from the small emitters tool approved by

facility. The competent authority shall report all such calculations to the Commission. Calculations of emissions made in these circumstances shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12, 14 and 28a.

the Commission and populated by Eurocontrol with data from its ETS support facility. The competent authority shall report all such calculations to the Commission. Calculations of emissions made in these circumstances shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12, 14 and 28a.

Or. en

Consolidated amendment 2 part 4

EPP, S&D, ALDE, Greens, TRAN

Compromise amendment replacing Amendments TRAN11+16+19+21+25+26, 48, 59, ITRE12+15

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Flights between the outermost regions listed in Article 349 of the Treaty on the Functioning of the European Union and the EEA mainland should also follow the regional market based approach. The percentages have to be calculated by Eurocontrol on the basis of the proportion of the Great Circle Distance between the main airports in the EEA mainland and in the outermost region that is not more than 12 miles beyond the furthest point of EEA mainland until a global market-based measure enters into force.

Or. en

Consolidated amendment 2 part 5

EPP, S&D, ALDE, Greens, TRAN

Compromise amendment replacing Amendments TRAN11+16+19+21+25+26, 48, 59, ITRE12+15

Proposal for a directive
Annex IIc – paragraph 6a (new)

Text proposed by the Commission

Amendment

The percentage of emissions referred to in Article 28a for flights operating to and from an outermost region shall also be calculated according to the table below which will be populated before adoption with the percentages resulting mutatis mutandis from the application of the same formula, based on the best available data, including assistance from Eurocontrol.

Or. en

Consolidated amendment **2 part 6**
EPP, S&D, ALDE, Greens, TRAN

Compromise amendment replacing Amendments TRAN11+16+19+21+25+26, 48, 59, ITRE12+15

Proposal for a directive
Annex IIc – new rows

Text proposed by the Commission

Amendment

Add rows for: Guadeloupe, French Guiana, Martinique, Réunion, Saint-Barthélemy, Saint-Martin, the Azores, Madeira and the Canary Islands.

Or. en

Consolidated amendment **3 part 1**
EPP, S&D, ALDE, Greens, TRAN

Compromise amendment replacing Amendments - TRAN6+12, 2, 17

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

Text proposed by the Commission

Amendment

(2a) In order to build confidence at international level with regard to the Union emissions trading scheme (ETS), revenues generated from the auctioning of allowances or any equivalent amount, where required by overriding budgetary principles of the Member States, such as unity and universality, should be used to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and third countries, to fund research and development for mitigation and adaptation and to cover the cost of administering the Union ETS. Revenues generated from auctioning should also be used on low-emission transport. The proceeds of auctioning should in particular be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund and the Green Climate Fund under UNFCCC, and measures to avoid deforestation and facilitate adaptation in developing countries. As part of an agreement on an effective, route-based global market-based measure ('MBM') with significant potential to reduce the climate impact of aviation, the Union should also commit to assigning revenues created by such a measure to the Green Climate Fund under UNFCCC to reflect the principle of common but differentiated responsibilities and respective capabilities, and to international efforts to fund research and development to reduce greenhouse gas emissions of aviation.

Or. en

Consolidated amendment **3 part 2**

EPP, S&D, ALDE, Greens, TRAN

Compromise amendment replacing Amendments - TRAN6+12, 2, 17

Proposal for a directive

Article 1 – paragraph -1a (new)

Directive 2003/87/EC

Article 3d – paragraph 4

Text proposed by the Commission

Amendment

In Article 3d, paragraph 4 is replaced by the following:

"4. Member States shall use revenues generated from the auctioning of allowances for efforts to tackle climate change, in particular at international level, to reduce greenhouse gas emissions and to adapt to the impact of climate change in developing countries as well as to fund research and development for mitigation and adaptation including, in particular, in the field of aeronautics and air transport. Revenues generated from auctioning shall also be used on low-emission-transport. The proceeds of auctioning shall also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund and the Green Climate Fund under UNFCCC as well as measures to avoid deforestation.

Member States shall regularly inform the Commission of actions taken pursuant to the first subparagraph."

Or. en

Consolidated amendment **4 part 1**

EPP, S&D, ALDE, Greens

Compromise amendment replacing Amendments 18-20, 104-111

Proposal for a directive

Annex

Directive 2003/87/EC

Annex II c – table row 37

Text proposed by the Commission

Amendment

CHINA including HONG KONG,
MACAO *and* TAIWAN

CHINA including HONG KONG *and*
MACAO

Or. en

Consolidated amendment **4 part 2**

EPP, S&D, ALDE, Greens

Compromise amendment replacing Amendments 18-20, 104-111

Proposal for a directive

Annex

Directive 2003/87/EC

Annex II c – table row 147 a (new)

Text proposed by the Commission

Amendment

TW TAIWAN

Or. en

Consolidated amendment **4 part 3**

EPP, S&D, ALDE, Greens

Compromise amendment replacing Amendments 18-20, 104-111

Proposal for a directive

Annex

Directive 2003/87/EC

Annex II c – paragraph 6

Text proposed by the Commission

Amendment

For the period 2014 to **2020**, and without
prejudice to the global market-based
measure applying from 2020, the
percentage applicable to flights between
EEA Member countries and countries

For the period 2014 to **2016**, and without
prejudice to the global market-based
measure applying from 2020, the
percentage applicable to flights between
EEA Member countries and countries

which are developing countries and whose share of total revenue ton kilometres of international civil aviation activities is less than 1% shall be zero. Countries considered to be developing for the purposes of this proposal are those which benefit at the time of adoption of this proposal from preferential access to the Union market in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council, that is those which are not classified in 2013 by the World Bank as high-income or upper-middle income countries.

which are developing countries and whose share of total revenue ton kilometres of international civil aviation activities is less than 1% shall be zero. Countries considered to be developing for the purposes of this proposal are those which benefit at the time of adoption of this proposal from preferential access to the Union market in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council, that is those which are not classified in 2013 by the World Bank as high-income or upper-middle income countries.

Or. en

Consolidated amendment 5 part 1
EPP, S&D, ALDE, Greens

Compromise amendment replacing Amendments - TRAN5, 4, 8, 50, 51

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The derogations provided for in this 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.

Amendment

(4) The derogations provided for in this directive take into account the results of bilateral and multilateral contacts with third countries. ***The additional time provided for by stopping the clock for a further year should be used by both the Commission and the Member States, acting on behalf of the Union, to ensure international acceptance by third countries of the airspace approach to be applied by the Union in the following years. These efforts should be supported by offering third countries to get a common approach for the use of the revenues, for example for international climate policy or common research and development projects to address the greenhouse gas emissions of aviation. Member States should also use the***

*revenues of national taxes and fees
obliged to passengers to generate progress
in the international negotiations and
negotiations with third countries.*

Or. en

Consolidated amendment **5 part 2**

EPP, S&D, ALDE, Greens

Compromise amendment replacing Amendments - TRAN5, 4, 8, 50, 51

Proposal for a directive

Recital 4a

Text proposed by the Commission

Amendment

(4a) The derogations provided in the current directive relate only to emissions from aviation activities up to 2016 and are provided by the Union in order to facilitate an agreement on the adoption of a ratifiable global MBM at the 39th ICAO Assembly. Further legislative action should only be appropriate if such a measure is adopted in 2016. To this end, following the 2016 ICAO Assembly, the Commission should provide a full report to the European Parliament and to the Council and swiftly propose measures in line with the results, as appropriate. Where third countries accept alignment with the ETS or adopt equivalent measures, the derogations provided for in this directive should be adjusted accordingly.

Or. en

Consolidated amendment **5 part 3**

EPP, S&D, ALDE, Greens

Compromise amendment replacing Amendments - TRAN5, 4, 8, 50, 51

**Proposal for a directive
Recital 12**

Text proposed by the Commission

Amendment

(12) After the 2016 ICAO Assembly the Commission should submit a report to the European Parliament and to the Council in order to ensure that international developments can be taken into account and any issues about the application of the derogation be addressed.

deleted

Or. en

**Consolidated amendment 6
EPP, S&D, ALDE, ECR, TRAN**

Compromise amendment replacing Amendments TRAN3, 28

**Proposal for a directive
Recital 1b (new)**

Text proposed by the Commission

Amendment

(1b) The adoption of Decision 377/2013/EU enabled progress to be made within ICAO towards concluding a global agreement at its next meeting. In order to pave the way for such an agreement and to avoid retaliatory trade measures, it is desirable to temporarily extend these "stop the clock" provisions.

Decision 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community (OJ L 113, 24.4.2013, p. 1)

Or. en

