



COMMITTEE ON TRANSPORT AND TOURISM

The Secretariat

21.01.2014

CF

VOTE RESULTS

Draft opinion 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 (PE 524.529v01/PA + PE 526.090v01/AM)

Concerned text	AM	Tabled by	Comments	Rapporteur	Vote
<i>References in left hand column to original Directive 2003/87/EC</i>					
	COMP 1	EPP, S&D, ALDE	If adopted, go to page 5 and final vote on opinion as amended	+	+
Article 28 a – paragraph 1 – introductory phrase	AM 35	Gahler, Koch, Ferber		-	
Article 28 a – paragraph 1 – point a	AM 39	Gahler, Koch, Ferber	Falls unless AM 35 adopted	-	
	AM 38	Foster	Falls if AM 35 or AM 39 adopted	-	
	AM 37	De Veyrac, Grossetête, Vlasto	Falls if AM 35, AM 39 or AM 38 adopted	-	
	AM 5	Rapporteur	Falls if any of AM 35, AM 39, AM 38 or AM 37 adopted	+	
	AM 36	Ferber	Falls if any of AM 35, AM 39, AM 38, AM 37 or AM 5 adopted	-	

Article 28 a – paragraph 1 – point a b (new)	AM 40	De Veyrac, Grossetête, Ponga, Vlasto, Teixeira, De Grandes Pascual, Adrover	Falls if AM 35 adopted	+	
Article 28 a – paragraph 1 – point b	AM 45	Gahler, Koch, Ferber	Falls unless AM 35 adopted	-	
	AM 41	De Veyrac, Grossetête, Vlasto	<u>Deletion</u> Identical AMs vote together Falls if AM 35 or AM 45 adopted	-	
	AM 42	Foster		-	
	AM 44	Danellis, Liberadzki, Ertug	Falls if any of AM 35, AM 45 or AM 41/42 adopted	-	
	AM 6	Rapporteur	Falls if any of AM 35, AM 45, AM 41/42 or AM 44 adopted	+	
	AM 43	Ferber	Falls if any of AM 35, AM 45, AM 41/42, AM 44 or AM 6 adopted	-	
Article 28a – paragraph 1 – point b a (new)	AM 7	Rapporteur	Falls if any of AM 35, AM 39, AM 45, AM 41/42 or AM 44 adopted	+	
Article 28a – paragraph 1 – point b a (new)	AM 46	Danellis, Liberadzki	Falls if any of AM 35, AM 38, AM 37 or AM 7 adopted	-	
Article 28a – paragraph 1 – b b (new)	AM 47	Danellis, Liberadzki	Falls if any of AM 35, AM 38, AM 37 or AM 7 adopted	-	
Article 28 a – paragraph 1 – point c	AM 48	Gahler, Koch, Ferber	Falls unless AM 35 adopted	-	
Article 28 a – paragraph 1 – point d	AM 49	Gahler, Koch, Ferber	Falls unless AM 35 adopted	-	
Article 28 a – paragraph 1 – second subparagraph	AM 50	De Veyrac, Grossetête, Vlasto	<u>Deletion</u> Identical AMs vote together Deemed adopted if AMs 41/42 adopted	-	
	AM 51	Foster		-	
Article 28 a – paragraph 2	AM 52	Gahler, Koch, Ferber	<u>Deletion</u>	-	
Article 28 a – paragraph 2 – second subparagraph	AM 53	Ticau	Falls if AM 52 adopted	-	
Article 28 a – paragraph 3	AM 54	Gahler, Koch, Ferber	<u>Deletion</u>	-	

Article 28 a – paragraph 4	AM 55	Gahler, Koch, Ferber	<u>Deletion</u>	-	
	AM 57	Ertug	Falls if AM 55 adopted	-	
	AM 56	Foster	Falls if AM 55 adopted	+	
	AM 8	Rapporteur	Technical note: final phrase should read "Article 28 <u>a</u> paragraph 1 ..." Falls if AM 55 or AM 56 adopted	+	
Article 28 a – paragraph 5	AM 58	Gahler, Koch, Ferber	<u>Deletion</u>	-	
Article 28 a – paragraph 6	AM 59	De Veyrac, Grossetête, Vlasto	<u>Deletion</u> Identical AMs vote together	-	
	AM 60	Foster			
	AM 61	Gahler, Koch, Ferber			
	AM 63	Ayala Sender	Falls if AMs 59/60/61 adopted	+	
	AM 62	Ticau	Falls if AMs 59/60/61 adopted	-	
Article 28 a – paragraph 6 a (new)	AM 9	Rapporteur		+	
Article 28 a – paragraph 7	AM 64	Gahler, Koch, Ferber	<u>Deletion</u>	-	
Article 28 a – paragraph 7 – first subparagraph	AM 65	Foster	Falls if AM 64 adopted	-	
Article 28 a – paragraph 7 – second subparagraph	AM 66	Foster	Falls if AM 64 adopted	-	
	AM 67	Ertug	Falls if AM 64 or AM 66 adopted	-	
<i>References in left hand column below to new proposal COM(2013)722</i>					
Article 1 – point 1 a (new)	AM 70	Foster		-	
Article 1 – point 2	AM 68	Foster	<u>Deletion</u> Identical AMs vote together	-	
	AM 69	Gahler, Koch, Ferber			
ANNEXES					
Annex II c	AM 71	Foster	<u>Deletion</u> Deemed adopted if AMs 50/51 and 68/69 adopted	-	
Annex II c – paragraph 6	AM 72	Ertug	Falls if AM 71 adopted	-	
RECITALS					
Recital 1	AM 10	Foster		-	
	AM 11	Gahler, Koch, Ferber	Falls if AM 10 adopted	+	
Recital 1 a (new)	AM 1	Rapporteur		+	

Recital 1 a (new)	AM 12	Lichtenberger, Cramer		-	
Recital 2	AM 13	Foster	<u>Deletion</u>	-	
	AM 16	Gahler, Koch, Ferber	Falls if AM 13 adopted	-	
	AM 14	De Veyrac, Grossetête, Vlasto	Falls if AM 13 or AM 16 adopted	-	
	AM 2	Rapporteur	Falls if AM 13, AM 16 or AM 14 adopted	+	
	AM 15	Lichtenberger, Cramer	Falls if any of AM 13, AM 16 AM 14 or AM 2 adopted	-	
Recital 3	AM 17	De Veyrac, Grossetête, Vlasto	<u>Deletion</u> Identical AMs vote together	-	
	AM 18	Foster			
	AM 19	Gahler, Koch, Ferber			
	AM 20	Danellis, Liberadzki	Falls if AMs 17/18/19 adopted	-	
	AM 21	Ertug	Falls if AMs 17/18/19 or AM 20 adopted	-	
Recital 4-	AM 3	Rapporteur		+	
	AM 22	Gahler, Koch, Ferber		-	
Recital 4 a (new)	AM 4	Rapporteur		+	
Recital 4 a (new)	AM 23	Meissner		+	
Recital 5	AM 24	Gahler, Koch, Ferber		-	
Recital 6	AM 26	Gahler, Koch, Ferber		-	
	AM 25	De Veyrac, Grossetête, Vlasto	<u>Deletion</u> Falls if AM 26 adopted	+	
Recital 7	AM 27	De Veyrac, Grossetête, Vlasto	<u>Deletion</u> Identical AMs vote together	-	
	AM 28	Gahler, Koch, Ferber			
Recital 8	AM 29	Gahler, Koch, Ferber	<u>Deletion</u>	-	
Recital 9	AM 30	De Veyrac, Grossetête, Vlasto	<u>Deletion</u> Identical AMs vote together	+	
	AM 31	Foster			
	AM 32	Gahler, Koch, Ferber			
Recital 10	AM 33	Gahler, Koch, Ferber		-	

Recital 10 a (new)	AM 34	De Veyrac, Grossetête, Ponga, Vlasto, Teixeira, De Grandes Pascual, Adrover	Falls <u>unless</u> AM 40 adopted	+	
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FINAL VOTE

Draft opinion as amended 31 in favour 6 against 4 abstentions

COMPROMISE 1

Whereas:

(1) The Union is endeavouring to secure a future international agreement to control greenhouse gas impacts from aviation and, in the meantime, ~~is limiting climate change impacts from aviation activities to and from aerodromes in the Union by autonomous action. In order to ensure that these objectives are mutually supportive and not in conflict,~~ it is appropriate to take account of developments at and positions taken in international fora and in particular to take account of the Resolution containing the "Consolidated statement of continuing ICAO policies and practices related to environmental protection" adopted at the 38th session of the Assembly of the International civil Aviation Organisation (ICAO).

(1a) The aviation sector has a strong international character. Climate protection initiatives should be taken quickly as global problems of the kind posed by different greenhouse gas emissions (GHG) from aviation 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.

(2) The adoption of Decision 377/2013/EU enabled real progress to be made within the International Civil Aviation Organization (ICAO) towards concluding a global agreement at its next meeting. In order to pave the way for such an agreement, to safeguard the competitiveness of the European aviation sector and to avoid retaliatory trade measures, it is desirable to temporarily - at least until the next ICAO general assembly in 2016- extend these "stop the clock" provisions

(3) While the application of Directive 2003/87/EC continues to be based on arrival at or departure from aerodromes in the Union, in order to be a simple and workable means to limit the application of regional market-based measures ~~for the 7 years~~ until a global market-based measure begins operation, the *inclusion of emissions from flights to and from countries outside the European Economic Area (EEA) and the calculation by Eurocontrol of percentages on the basis of the proportion of the Great Circle Distance between the main airports in the EEA and in third countries that is not more than 12 miles beyond the furthest point of EEA coastline is only applicable from 2017 if a global market-based mechanism is not agreed on at the next ICAO Assembly in 2016* . Since the Union does not consider that a global market-based measure should be based on actual airspace considerations, as compared to the arrival or departure from aerodromes, the relevance of the percentages is limited to *the period until a global market-based measure enters into force*.

(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. *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*

(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.

(4b) The EU should always include the issue of emissions trading for aviation when negotiating aviation agreements with third countries.

(5) In order to avoid distortions of competition, it is important that all flights on the same route are treated in the same way.

~~(6) In order to establish a percentage of verified emissions for flights to and from aerodromes in third countries, whole flight emissions have to be known. However, no account is being taken of emissions not covered by that percentage.~~

(7) In addition, in respect of flights to and from third countries, an aircraft operator should be able to choose not to report verified emissions from these flights but instead to rely upon a determination of estimated emissions taking place not beyond EEA Member countries from such flights that is as accurate as possible.

(8) As a simplification and to in order to lighten administrative tasks for the smallest aircraft operators, non-commercial aircraft operators emitting less than 1000 tonnes CO₂ per annum should be considered as meeting the requirements of the Directive, and additional measures by Member States' competent authorities should be facilitated to simplify administration for small aircraft operators.

~~(9) The application of a percentage to verified emissions for flights to and from aerodromes in third countries, or the use of an alternative approach by operators, should relate to emissions from 2014 onwards to give time for operators to understand these approaches when planning their flight activities.~~

(10) ~~Without prejudice to the global market based measure applying from 2020,~~ Emissions from flights to and from countries which are developing countries and whose share of total revenue ton kilometres of international civil aviation activities is less than 1% should be exempted for the period from 2014 ***until a market-based measure enters into force.*** 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.

(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.

(11) In order to ensure legal certainty for aircraft operators and national authorities it is appropriate to allow until 2015 for the surrender and reporting deadlines for 2013 emissions.

(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.

Article 1

Directive 2003/87/EC is hereby amended as follows:

(-1) Article 3d(4) of Directive 2003/87/EC shall be replaced by the following:

"Member States shall use revenues generated from the auctioning of allowances for actions or research to tackle climate change."

(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)

(a) 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 all emissions from flights to and from countries outside the European Economic Area ***in each calendar year from 2013 to 2016. And if the 2016 ICAO Assembly decides to introduce a global market based measure from 2020 on this period shall continue to apply for the calendar years from 2017 to 2020;***

(b) ***If the 2016 ICAO Assembly does not decide to introduce a global market based measure, then 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 emissions from flights to and from countries outside the European Economic Area (EEA) in each calendar year from 2017 on 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;***

(ba) By way of derogation from Article 12 (2a) and Article 14 (3), until a global market-based measure enters into force, Member States shall consider the requirements set out in those paragraphs satisfied in respect of 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 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;

(c) ***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 emissions from flights operated by a non-commercial aircraft operator in each calendar year until an international market-based measure is introduced where the emissions for which that aircraft operator are responsible in the calendar year are less than 1000 tonnes;***

(d) 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 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 paragraphs 1(b) and **(b a)** 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 **paragraphs 1 (a) to (c) of this Article**.

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 **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 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.**

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

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. **Any proposal 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.

(2) The Annexes are amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by [OP: please insert concrete date – last day of 3rd month from the date of entry into force], the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions. They shall apply those provisions from [OP: please insert concrete date: transposition + 1 day].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the date of its publication in the Official Journal of the European Union.

Article 4

This Directive is addressed to the Member States.

The only change to Annex IIc shall be in order to be in line with the derogation foreseen in paragraph 1 (ba).