



2026/0212(COD)

30.9.2026

DRAFT OPINION

of the Committee on Transport and Tourism

for the Committee on the Environment, Climate and Food Safety

on the proposal for a directive of the European Parliament and of the Council
amending Directive 2003/87/EC and Decision (EU) 2015/1814 as regards
driving competitiveness and cost-effective decarbonisation
(COM(2026)0616 – C10-0188/2026 – 2026/0212(COD))

Rapporteur for opinion: Matteo Ricci

PA_Legam

SHORT JUSTIFICATION

The review of the EU Emissions Trading System (EU ETS) is a decisive step for European transport. Aviation has been covered by the system since 2012 and maritime transport since 2024. Both sectors are now subject to a carbon price set to rise until 2040, as well as to the obligations of ReFuelEU Aviation and FuelEU Maritime. At the same time, they are strategic for the Union: they connect islands, outermost and peripheral regions to the single market, support European trade and tourism, and compete every day with carriers, hubs and ports outside the Union.

The geopolitical context makes this challenge even more evident. The de facto closure of the Strait of Hormuz since the end of February 2026 has severely disrupted maritime traffic and reduced the supply of jet fuel, around one fifth of which Europe imported from the Gulf. The crisis shows that dependence on imported fossil fuels is also a matter of security of supply: producing sustainable fuels in Europe strengthens the Union's strategic autonomy.

The rapporteur supports the architecture and the 2040 ambition of the Commission proposal. The opinion confirms the role of the carbon price and the scope of the system, and adds an essential element: a credible climate policy for aviation and maritime transport must turn the carbon price paid by these sectors into investment certainty for their decarbonisation. Climate ambition and competitiveness are not alternatives. The price signal only works if operators can access the fuels and technologies that allow them to reduce emissions, and if European operators are not put at a disadvantage compared with competitors that circumvent the system. The proposed amendments are grouped into three blocks: financing the transition; the international dimension; and a level playing field and connectivity.

1. Financing the transition: from paying to investing

Today, aviation and maritime transport contribute to the EU ETS, but they have no certainty about the resources they receive in return. Auctioning revenues managed by Member States are used on a discretionary basis and only a limited share returns to the sectors that generated them. The Innovation Fund and the new Industrial Decarbonisation Bank are designed mainly for industrial installations, with which transport projects, characterised by high investment needs, long asset lifetimes and often small project promoters, struggle to compete. Sustainable aviation and maritime fuels cost several times as much as fossil fuels, and from 2030 the minimum share of synthetic fuels under ReFuelEU Aviation applies. Without targeted incentives, these obligations risk being met at very high cost, or not at all, and investment in production capacity will move outside Europe.

The opinion acts on four levels. First, it strengthens the rules on the use of revenues: the share that Member States must use for the decarbonisation of ETS sectors rises from 50 % to 75 %, and modal shift towards rail transport is explicitly included among the priority purposes. It also introduces a sectoral floor: Member States must allocate at least 70 % of the auctioning revenues relating to each of the two sectors, calculated separately, to the decarbonisation of maritime transport and aviation, and the Commission publishes an annual scoreboard showing how much each Member State actually reinvests.

Second, it strengthens the dedicated support mechanisms. The allowances reserved for sustainable aviation fuels move from 110 million to a further maximum of 200 million until

2040, in addition to the 20 million available until 2030, and their use is linked to the carbon price actually paid by aircraft operators. The SMAP mechanism for maritime transport also rises from 110 to 200 million allowances, with priority for Union-produced fuels, wind propulsion and electrification; support covers fuels bunkered in Union ports or in third-country ports participating in green shipping corridors with Union ports, and at least 20 % is reserved for small and medium-sized shipping companies, short-sea shipping, ferries and connections with islands. Where demand exceeds the allowances available, priority goes to the fuels and technologies with the greatest climate benefit; unused allowances remain available until 2040.

Third, it opens the Union's investment instruments to transport. At least 15 % of the Innovation Fund is dedicated to first-of-a-kind and demonstration projects in maritime transport and aviation, including renewable fuels of non-biological origin, hydrogen and electric propulsion and the related port and airport infrastructure, with dedicated bidding windows that avoid direct competition with industrial installations. The production in the Union of biofuels and synthetic fuels for the two sectors falls within the scope of the Industrial Decarbonisation Bank, and up to 90 million allowances from each of the two reserves may be transferred to it to finance synthetic fuel production facilities.

Fourth, it ensures an effective use of public resources. The opinion establishes a clear division of tasks: SMAP mainly covers operating costs, the Innovation Fund investment and innovation, and the Bank the scaling-up of production. The same cost cannot be financed twice, support for production is based on the cost gap, and every quantity of supported fuel must be tracked in the Union database to avoid double counting. The Commission publishes every year the price differential, the allowances allocated and the emissions avoided.

2. The international dimension: ICAO and IMO

Aviation and maritime transport are global sectors, and the Union's long-term objective remains a global solution within the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO). The opinion calls on the Union institutions and the Member States to actively pursue it, in those fora and through bilateral agreements. A global solution must be ambitious and verifiable, and Union action helps to build it by providing a concrete benchmark against which the effectiveness of measures adopted at international level can be assessed.

For aviation, the opinion supports the extension proposed by the Commission, which from 2029 applies the carbon price also to departing flights to destinations within 5 000 km of Frankfurt. The Directive already provides, in Annex I, that the system applies to all flights arriving at or departing from aerodromes in the Member States: the limitation to intra-European flights and the partial extension are temporary derogations from this general rule. The opinion draws the consequence for the period after 2032: the derogation for flights to and from third countries continues to apply only if the Commission establishes, by 30 June 2032, that CORSIA meets all the criteria laid down in the Directive. In that case, the scope remains limited to flights within the EEA and to flights to the United Kingdom, Switzerland and Gibraltar; otherwise, the general rule of Annex I applies. Any limitation of the scope is thus linked to equivalent and verifiable results under CORSIA, which strengthens the Union's position within ICAO. The assessment of CORSIA is, moreover, based on objective data.

For maritime transport, the opinion strengthens the review of the Directive in light of a global measure adopted by the IMO: the Commission will have to assess its ambition against the Union's objectives and its effects on the competitiveness of European shipping companies and ports before proposing any amendments.

3. Level playing field, connectivity and protection against carbon leakage

The third block brings together the amendments that make the system fair for those who comply with it. A carbon price that can be circumvented penalises European operators twice: it shifts traffic, investment and jobs outside the Union without reducing emissions. The opinion therefore establishes an annual monitoring mechanism for carbon leakage in maritime transport, based on port market shares, reflagging, freight rates and vessel sizes, with an obligation for the Commission to act in the event of significant deviations; any corrective proposals may close loopholes, but may not reduce the surrender obligation, the scope or the cap.

Particular attention is paid to container traffic, a sector under strong pressure. The most recent report of the EU ETS Observatory of Puertos del Estado concludes that the reorganisation of routes that began with the entry into force of the system has now become structural: Union ports are losing connectivity in long-distance container services compared with neighbouring ports not subject to the EU ETS, and the new calls outside the Union respond mainly to the need to reduce carbon costs. The rapporteur therefore strongly supports the Commission's choice to complement the rules on neighbouring container transshipment ports with an additional measure for containerships performing long-distance voyages. However, the proposed reduction of the surrender obligation, based on the share of transhipped containers, would be difficult to implement, as it would require the monitoring and verification of cargo data for each port call. The opinion therefore maintains the Commission's approach, but links the reduction to the distance of the voyage: the incentive to move a call increases with distance, and so do the costs that can be avoided.

The opinion also protects territorial cohesion. The derogations for outermost regions, small islands and public service obligations are replaced by a gradual phase-in of the surrender obligation between 2034 and 2040, and the derogation for ice-class ships by a gradual phase-out until 2039: operators are offered predictability instead of repeated extensions. Support for sustainable aviation fuels covers the full price differential at airports on small islands, on islands constituting a NUTS 2 region and in the outermost regions.

Conclusions

With this opinion, the rapporteur proposes a pact with aviation and maritime transport: a carbon price that is maintained and extended, in exchange for the certainty that revenues return to the sectors in the form of support for clean fuels, innovation and production capacity in Europe. This is the condition for the Union to achieve its climate objectives, reduce its dependence on imported fossil fuels and keep its airlines, shipping companies, airports and ports competitive, while remaining a credible driver of global solutions.

AMENDMENTS

The Committee on Transport and Tourism submits the following to the Committee on the

Environment, Climate and Food Safety, as the committee responsible:

Amendment 1

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The rapidly changing geopolitical context further emphasised the importance of delivering on the Clean Industrial Deal to enhance resource security and address Europe's dependence on imported fossil fuels, which is the main cause of higher, and more volatile, energy prices. Conflicts in Ukraine and the Middle East confront the Union once again with volatile and rising energy prices driven by Europe's dependence on imported fossil fuels, which damage the competitiveness of European industry. The EU ETS should continue to be a robust, predictable and fit for purpose driver of decarbonisation, thereby lowering the EU's dependence on fossil fuel imports and strengthening its resilience, while fostering investments in the clean energy transition in homegrown renewables and other zero- and low-carbon energy sources.

Amendment

(6) The rapidly changing geopolitical context further emphasised the importance of delivering on the Clean Industrial Deal to enhance resource security and address Europe's dependence on imported fossil fuels, which is the main cause of higher, and more volatile, energy prices. Conflicts in Ukraine and the Middle East confront the Union once again with volatile and rising energy prices driven by Europe's dependence on imported fossil fuels ***and shortage in supply, especially for "jet fuel" in aviation***, which damage the competitiveness of European industry. The EU ETS should continue to be a robust, predictable and fit for purpose driver of decarbonisation, thereby lowering the EU's dependence on fossil fuel imports and strengthening its resilience, while fostering investments in the clean energy transition in homegrown renewables and other zero- and low-carbon energy sources.

Or. en

Amendment 2

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The limited geographical extension provided for in this Directive leaves a substantial share of emissions from flights departing the EEA without an effective carbon price. Such a limitation is justifiable only on a

transitional basis and only where CORSIA delivers verifiable and equivalent results. In the absence of such results, application of the system to all departing flights should constitute the default outcome.

Or. en

Amendment 3

Proposal for a directive Recital 18

Text proposed by the Commission

(18) The Union is to achieve climate neutrality by 2050 at the latest and all sectors of the economy, including maritime transport, are to contribute to achieving the emission reductions established by Regulation (EU) 2021/1119, in line with its updated NDC. The inclusion of maritime transport in the EU ETS since 2024 ensures that the sector contributes its fair share to the climate objectives of the Union as well as to the objectives of the Paris Agreement. The International Maritime Organization (IMO) adopted, in 2023, a strategy to decarbonise shipping¹⁵ ‘by or around, i.e. close to, 2050’ and agreed on developing mid-term measures to implement it, considering a basket of candidate measures covering both technical and economic elements. The adoption and implementation of such a global measure putting effectively a price on greenhouse gas emissions from maritime transport in parallel to the EU ETS would entail a risk of double payments by shipping companies. The provisions of Directive 2003/87/EC as regards maritime transport activities should be reviewed in the event of the adoption by the IMO of a global market-based measure to reduce greenhouse gas emissions from maritime transport. To this end, the Commission

Amendment

(18) The Union is to achieve climate neutrality by 2050 at the latest and all sectors of the economy, including maritime transport, are to contribute to achieving the emission reductions established by Regulation (EU) 2021/1119, in line with its updated NDC. The inclusion of maritime transport in the EU ETS since 2024 ensures that the sector contributes its fair share to the climate objectives of the Union as well as to the objectives of the Paris Agreement. ***The Union institutions and Member States should do everything possible to work towards a global solution for the maritime sector, that is completely aligned with the Paris Agreement and the Union’s ambition when it comes to climate protection. They should use the fora of the International Maritime Organization (IMO), but also work bilaterally towards this aim and, as a step in the right directions, also conclude bilateral agreements, where possible.*** The International Maritime Organization (IMO) adopted, in 2023, a strategy to decarbonise shipping¹⁵ ‘by or around, i.e. close to, 2050’ and agreed on developing mid-term measures to implement it, considering a basket of candidate measures covering both technical and economic elements. The adoption and implementation of such a

should present a report to the European Parliament and to the Council within 18 months of the adoption of such a measure and before it becomes operational. The Commission should in that report examine that global market-based measure as regards its ambition in light of the objectives of the Paris Agreement, its overall environmental integrity, including in comparison with the provisions of Directive 2003/87/EC covering maritime transport, and any issue related to the coherence of the EU ETS and that measure, including avoiding double payment. As appropriate, and in order to prevent such a risk of double payment while ensuring that no environmental backsliding occurs, the accompanying legislative proposal should provide for an IMO deduction mechanism according to which it is appropriate to allow shipping companies to surrender fewer allowances than their verified emissions to the extent that those emissions are also effectively priced under the IMO measure. To take into account the potential role of the Union in supporting the broader international effort to decarbonise maritime transport, the accompanying legislative proposal should provide for a measure according to which allowances are to be reserved to support least developed countries and small island developing countries.

global measure putting effectively a price on greenhouse gas emissions from maritime transport in parallel to the EU ETS would entail a risk of double payments by shipping companies. The provisions of Directive 2003/87/EC as regards maritime transport activities should be reviewed in the event of the adoption by the IMO of a global market-based measure to reduce greenhouse gas emissions from maritime transport. To this end, the Commission should present a report to the European Parliament and to the Council within 18 months of the adoption of such a measure and before it becomes operational. The Commission should in that report examine that global market-based measure as regards its ambition in light of the objectives of the Paris Agreement, its ***impact on European maritime climate policy***, its overall environmental integrity, including in comparison with the provisions ***and objectives*** of Directive 2003/87/EC covering maritime transport, and any issue related to the coherence of the EU ETS and that measure, including avoiding double payment. As appropriate, and in order to prevent such a risk of double payment while ensuring that no environmental backsliding occurs, the accompanying legislative proposal should provide for an IMO deduction mechanism according to which it is appropriate to allow shipping companies to surrender fewer allowances than their verified emissions to the extent that those emissions are also effectively priced under the IMO measure. To take into account the potential role of the Union in supporting the broader international effort to decarbonise maritime transport, the accompanying legislative proposal should provide for a measure according to which allowances are to be reserved to support least developed countries and small island developing countries.

¹⁵ ANNEX 1, RESOLUTION

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MEPC.377(80), Adopted on 7 July 2023,
2023 IMO Strategy on reduction of GHG
emissions from ships.

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2023 IMO Strategy on reduction of GHG
emissions from ships.

Or. en

Amendment 4

Proposal for a directive Recital 20

Text proposed by the Commission

(20) The transition from the use of fossil fuels, alongside energy efficiency improvements, is essential to achieving the decarbonisation of the maritime sector. However, the significant price differentials between conventional fossil fuels and sustainable maritime fuels as well as the pace of deployment of zero-emission propulsion technologies, such as electric and wind-assisted propulsion systems, hamper this transition. Support to early movers is therefore desirable to de-risk investments in maritime decarbonisation in the Union. Hence, during the period from 1 January [2028/first year after the entry into force of this directive] until 31 December 2040, **110** million allowances should be reserved to be allocated to shipping companies, on a transparent, equal and non-discriminatory basis, to cover part of the price differential between conventional fossil fuels and eligible sustainable maritime fuels, as well as all or part of the additional cost incurred in deploying and operating eligible zero-emission propulsion technologies, and technologies required to use eligible sustainable maritime fuels upon verified operation on such fuels. Where allowances are allocated to a shipping company under this reserve, such allocation should be taken into account by the shipping company if it intends to transfer the costs arising from the surrender of allowances to another entity in

Amendment

(20) The transition from the use of fossil fuels, alongside energy efficiency improvements, is essential to achieving the decarbonisation of the maritime sector. However, the significant price differentials between conventional fossil fuels and sustainable maritime fuels as well as the pace of deployment of zero-emission propulsion technologies, such as electric and wind-assisted propulsion systems, hamper this transition. Support to early movers is therefore desirable to de-risk investments in maritime decarbonisation in the Union. Hence, **a Sustainable Maritime Alternative Propulsion (SMAP) mechanism is established** during the period from 1 January [2028/first year after the entry into force of this directive] until 31 December 2040, **200** million allowances should be reserved to be allocated to shipping companies, on a transparent, equal and non-discriminatory basis, to cover **all or** part of the price differential between conventional fossil fuels and eligible sustainable maritime fuels, as well as all or part of the additional cost incurred in deploying and operating eligible zero-emission propulsion technologies, and technologies required to use eligible sustainable maritime fuels upon verified operation on such fuels. Where allowances are allocated to a shipping company under this reserve, such allocation should be taken into account by the shipping

accordance with the reimbursement mechanism laid down in Article 3gc of Directive 2003/87/EC. For instance, contractual arrangements may provide for the transfer of the allocated allowances from the shipping company to the other entity. The Commission should be empowered to adopt delegated acts to supplement Directive 2003/87/EC with the detailed rules necessary for the application of this reserve and to adopt implementing acts to establish the lists of non-Union ports and third countries in respect of which a derogation from the origin requirements should apply.

company if it intends to transfer the costs arising from the surrender of allowances to another entity in accordance with the reimbursement mechanism laid down in Article 3gc of Directive 2003/87/EC. For instance, contractual arrangements may provide for the transfer of the allocated allowances from the shipping company to the other entity. The Commission should be empowered to adopt delegated acts to supplement Directive 2003/87/EC with the detailed rules necessary for the application of this reserve and to adopt implementing acts to establish the lists of non-Union ports and third countries in respect of which a derogation from the origin requirements should apply. ***Capital expenditure, first-of-a-kind deployment, infrastructure, demonstration and scale-up costs should also be addressed through the Innovation Fund established under Article 10cb.***

Or. en

Amendment 5

Proposal for a directive Recital 22

Text proposed by the Commission

(22) Evasive behaviour from shipping companies is problematic, in particular as it can undermine the environmental integrity of the EU ETS. In order to reduce the risk of evasive port calls by containerships to ports outside the Union and the relocation of container transshipment activities outside the Union, Directive 2003/87/EC provides for an exclusion from the definition of ‘port of call’ of stops of containerships in a neighbouring container transshipment port identified in the implementing acts adopted pursuant to Article 3ga(2) of that Directive. However, the criterion related to the port’s share of transshipment of containers may

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not adequately cover ports outside the Union that have a high potential to attract transshipment activities from Union ports and where the transshipment of containers accounts for most container traffic. It is therefore appropriate to set this criterion at 50 % instead of 65 %. In addition, it is appropriate to exclude from the definition of ‘port of call’ ports with the necessary infrastructure for container transshipment activities that are located in the Union’s immediate vicinity, namely within 150 nautical miles from a port under the jurisdiction of a Member State. To ensure the proportionality of the measure and that it results in equal treatment, account should be taken of measures in third countries that have an effect equivalent to Directive 2003/87/EC. This includes ports in a third country with whom an ETS linking agreement is in place. To better capture major disruptions in the shipping market, which can rapidly alter container transshipment patterns, the Commission should review the validity of the list that identifies neighbouring container transshipment ports once a year instead of once every two years. However, for reasons of administrative efficiency, the Commission should be empowered to adopt implementing acts that amend the list of neighbouring container transshipment ports only where necessary, for example where a port ceases to meet the criteria to be identified as a neighbouring container transshipment port. In order to further reduce the risk of evasive port calls outside of the Union and the relocation of container transshipment activities outside of the Union, it is appropriate to provide for a complementary measure. Such measure should consist in a temporary derogation from the surrender obligations under Directive 2003/87/EC in respect of certain maritime transport activities by large containerships that perform long-distance voyages between ports outside the Union and Union ports.

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port outside the Union depends, among other factors, on the emissions costs that can be avoided, which tend to increase with the distance of the voyage, it is appropriate to base the derogation on the distance of the voyage rather than on the share of unloaded transhipped containers. The latter would be difficult to implement, as it would require the monitoring and verification of cargo-related data for each port call, whereas the distance of the voyage is an objective parameter that is easier to monitor and verify. This would ensure equal treatment of all Union ports and protect direct calls at Union gateway ports.

Or. en

Amendment 6

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) The current derogations provided for in Directive 2003/87/EC from the obligation to surrender allowances for ice-class ships, for voyages involving outermost regions and small islands without a fixed land connection, and for certain passenger transport services operated under public service obligations or public service contracts are set to end on 31 December 2030. While the decarbonisation of ice-class ships and the fleets serving those routes and services is progressing and innovative technologies such as battery-electric and wind-assisted propulsion are becoming increasingly viable, the large-scale deployment of emission reduction solutions on those vessels that are important for connectivity purposes remains constrained, in particular by infrastructure and investment needs. In order to allow sufficient time for that

Amendment

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transition¹⁶ , and in light of the need to ensure territorial continuity, connectivity and affordability of essential maritime services, the duration of these derogations should be extended *for a limited period of time. Given the specific technical and operational challenges associated with the decarbonisation of ice-class ships, the Commission should review, before the expiry of the derogation applicable to those ships, the progress made in the deployment of suitable low- and zero-emission technologies and assess the appropriateness of extending that derogation beyond 31 December 2035.*

¹⁶ European Commission: Directorate-General for Climate Action and Ricardo, Electric vessels and wind-assisted propulsion systems- opportunities for the EU maritime industry and value chain – Final report, Publications Office of the European Union, 2026, <https://data.europa.eu/doi/10.2834/7505429>

transition¹⁶ , and in light of the need to ensure territorial continuity, connectivity and affordability of essential maritime services, the duration of these derogations should be extended *and followed by a gradual phase-in of the surrender obligation, from 2034 for voyages involving outermost regions, small islands and public service obligations, and until 2039 for ice-class ships, in order to ensure predictability for the operators concerned.*

¹⁶ European Commission: Directorate-General for Climate Action and Ricardo, Electric vessels and wind-assisted propulsion systems- opportunities for the EU maritime industry and value chain – Final report, Publications Office of the European Union, 2026, <https://data.europa.eu/doi/10.2834/7505429>

Or. en

Amendment 7

Proposal for a directive Recital 37

Text proposed by the Commission

(37) The EU ETS is a meaningful tool for climate financing. Since 2013, it has generated substantial revenues, the majority of which are allocated to Member States, and it has allocated free allowances of equally substantial value. To fully realise its potential, the revenues from the ETS must be deployed strategically to accelerate decarbonisation and thus bolster industrial competitiveness. While Member States have been required since June 2023

Amendment

(37) The EU ETS is a meaningful tool for climate financing. Since 2013, it has generated substantial revenues, the majority of which are allocated to Member States, and it has allocated free allowances of equally substantial value. To fully realise its potential, the revenues from the ETS must be deployed strategically to accelerate decarbonisation and thus bolster industrial competitiveness. While Member States have been required since June 2023

to allocate all ETS revenues to climate and energy purposes and to ensure transparency, current spending patterns reveal shortcomings. Critical areas, such as industrial decarbonisation—which accounts for a major share of EU emissions—receive disproportionately low funding, as do other areas that are essential for decarbonisation. Furthermore, some investments risk undermining climate neutrality by perpetuating dependencies on carbon-intensive technologies, thereby creating long-term lock-in effects.

to allocate all ETS revenues to climate and energy purposes and to ensure transparency, current spending patterns reveal shortcomings. Critical areas, such as industrial decarbonisation—which accounts for a major share of EU emissions—receive disproportionately low funding, as do other areas that are ***hard-to-abate and*** essential for decarbonisation ***such as maritime transport and aviation***. Furthermore, some investments risk undermining climate neutrality by perpetuating dependencies on carbon-intensive technologies, thereby creating long-term lock-in effects.

Or. en

Amendment 8

Proposal for a directive Recital 39

Text proposed by the Commission

(39) To address those aspects, the Member States should be required to spend ***a minimum share*** of their revenues in priority purposes, focused on the decarbonisation of the ETS sectors, including related investment needs of the energy system. This should include investments in industrial decarbonisation (such as in steel, chemicals and fertilisers - which play an important role to ensure food security) - through electrification, carbon capture, utilisation, and storage, and other clean technologies; clean energy sources and grid infrastructure; low-carbon transport (particularly in maritime and aviation); waste management decarbonisation and circularity measures to decarbonise ETS sectors; the development of lead markets for low-carbon and circular products (such as bio-based fertilisers, bio-based chemicals and green steel) which also benefit end-users such as farmers; and

Amendment

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research and innovation in these fields. Priority should be given to the electrification of industrial process heat where technically feasible, enhancing energy security. Regarding fertilisers, investment should in particular support end-users in the uptake of bio-based, organic and circular fertilisers, in line with the Fertilizer Action Plan²¹. As regards nature-based solutions contributing to decarbonisation, Member States should take into account the priorities, measures and financing needs identified in national restoration plans established pursuant to Regulation (EU) 2024/1991. Additionally, investments should only be possible where they are aligned with the Union's long-term climate goals, excluding those prolonging reliance on fossil fuels in power generation. Member States should also have the option to use the revenues to top-up ETS financing mechanisms.

²¹ COM/2026/310 final.

research and innovation in these fields. Priority should be given to the electrification of industrial process heat where technically feasible, enhancing energy security. Regarding fertilisers, investment should in particular support end-users in the uptake of bio-based, organic and circular fertilisers, in line with the Fertilizer Action Plan²¹. As regards nature-based solutions contributing to decarbonisation, Member States should take into account the priorities, measures and financing needs identified in national restoration plans established pursuant to Regulation (EU) 2024/1991. Additionally, investments should only be possible where they are aligned with the Union's long-term climate goals, excluding those prolonging reliance on fossil fuels in power generation. Member States should also have the option to use the revenues to top-up ETS financing mechanisms.

²¹ COM/2026/310 final.

Or. en

Amendment 9

Proposal for a directive Recital 61 a (new)

Text proposed by the Commission

Amendment

(61a) The funding instruments established or extended by this Directive should be available to all sectors covered by the EU ETS on equivalent terms. Maritime transport and aviation are hard-to-abate sectors characterised by long asset lifetimes, high capital intensity and a current scarcity of alternatives to fossil fuels. For this reason, the Innovation Fund should dedicate a specific budget to first-of-a-kind and demonstration projects in maritime transport and aviation.

Furthermore the Commission should organise dedicated bidding windows for maritime transport, for aviation and for transport infrastructure, so that projects in those sectors do not compete directly with industrial installations having a different cost structure and a different investment cycle.

Or. en

Amendment 10

Proposal for a directive Recital 83

Text proposed by the Commission

(83) Directive 2003/87/EC should be amended so that ICAO's CORSIA scheme is implemented into EU law from 2026 until 2035, and to ensure that aviation as a whole contributes its fair share to addressing climate change in line the objectives of the Paris Agreement. Emissions from international aviation outside Europe were to be capped from January 2021 by global market-based action, and the European Parliament and Council set out conditions for considering whether that scheme is sufficient action to tackle climate change or should be supplemented. In 2032, when the results of the functioning of CORSIA in terms of offsetting will be apparent, a review should be undertaken to assess the implementation of CORSIA by the major countries in the aviation sector for whom this is mandatory according to the CORSIA rules laid down by ICAO. In the event that CORSIA is proving to be ambitious, efficient and successful, the scope of effective carbon pricing under the EU ETS should be reduced to flights within the EEA and departing to the UK, Switzerland, to and from Gibraltar and other countries taking

Amendment

(83) Directive 2003/87/EC should be amended so that ICAO's CORSIA scheme is implemented into EU law from 2026 until 2035, and to ensure that aviation as a whole contributes its fair share to addressing climate change in line the objectives of the Paris Agreement. Emissions from international aviation outside Europe were to be capped from January 2021 by global market-based action, and the European Parliament and Council set out conditions for considering whether that scheme is sufficient action to tackle climate change or should be supplemented. In 2032, when the results of the functioning of CORSIA in terms of offsetting will be apparent, a review should be undertaken to assess the implementation of CORSIA by the major countries in the aviation sector for whom this is mandatory according to the CORSIA rules laid down by ICAO. In the event that CORSIA is proving to be ambitious, efficient and successful, the scope of effective carbon pricing under the EU ETS should be reduced to flights within the EEA and departing to the UK, Switzerland, to and from Gibraltar and other countries taking advantage of ETS as a service. ***The Union***

advantage of ETS as a service.

institutions and the Member States should do everything possible to work towards a global solution for international aviation, that is completely aligned with the Paris Agreement and the Union's ambition when it comes to climate protection. They should use the fora of the International Civil Aviation Organization (ICAO), but also work bilaterally towards this aim and, as a step in the right direction, also conclude bilateral agreements, where possible.

Or. en

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 1

Text proposed by the Commission

For the period from 1 January 2024 until 31 December 2030, a maximum of 20 million of the total quantity of allowances referred to in paragraph 5 shall be reserved in respect of aircraft operators, on a transparent, equal-treatment and non-discriminatory basis, for the use of sustainable aviation fuels, and other aviation fuels that are not derived from fossil fuels, referred to in Article 4(1), second subparagraph, of Regulation (EU) 2023/2405 of the European Parliament and the Council* and for the use of electricity, for subsonic flights for which allowances have to be surrendered in accordance with Article 12(3) of this Directive and for which the fulfilment of that obligation is not considered to be satisfied pursuant to Article 28a(1) of this Directive. For business flights, the reserved amount shall be available only for the use of electricity. Where eligible aviation fuel cannot be physically attributed to a specific flight, the

Amendment

For the period from 1 January 2024 until 31 December 2030, a maximum of 20 ***million and for the period from [entry into force] to 2040, a further maximum of 200*** million of the total quantity of allowances referred to in paragraph 5 shall be reserved in respect of aircraft operators, on a transparent, equal-treatment and non-discriminatory basis, for the use of sustainable aviation fuels, and other aviation fuels that are not derived from fossil fuels, referred to in Article 4(1), second subparagraph, of Regulation (EU) 2023/2405 of the European Parliament and the Council* and for the use of electricity, for subsonic flights for which allowances have to be surrendered in accordance with Article 12(3) of this Directive and for which the fulfilment of that obligation is not considered to be satisfied pursuant to Article 28a(1) of this Directive. For business flights, the reserved amount shall be available only for the use of electricity

allowances reserved under this subparagraph shall be available for eligible aviation fuels uplifted in the EEA proportionate to the emissions from flights, except business flights, of the aircraft operator for which allowances have to be surrendered in accordance with Article 12(3) of this Directive and the fulfilment of that obligation is not considered to be satisfied pursuant to Article 28a(1) of this Directive. The same principle shall apply to defining the volume of fuels to which zero emission factor applies.

or of renewable hydrogen of non-biological origin compliant with Article 25 of Directive (EU) 2018/2001 for propulsion. The allowances reserved under this subparagraph shall be available for eligible aviation fuels uplifted in the EEA, on condition that the number of allowances allocated to an aircraft operator in a given year does not exceed the number of allowances that it is required to surrender for that year pursuant to Article 12(3). Where eligible aviation fuel cannot be physically attributed to a specific flight, the allowances reserved under this subparagraph shall be available for eligible aviation fuels uplifted in the EEA proportionate to the emissions from flights, except business flights, of the aircraft operator for which allowances have to be surrendered in accordance with Article 12(3) of this Directive and the fulfilment of that obligation is not considered to be satisfied pursuant to Article 28a(1) of this Directive. The same principle shall apply to defining the volume of fuels to which zero emission factor applies.

Or. en

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 3 – point c

Text proposed by the Commission

(c) 100 % of the remaining price differential between the use of fossil kerosene and any eligible aviation fuel that is not derived from fossil fuels covered by the first subparagraph of this paragraph, at airports situated on islands smaller than 10 000 km² **and** with no road or rail link with the mainland and at airports located in an

Amendment

(c) 100 % of the remaining price differential between the use of fossil kerosene and any eligible aviation fuel that is not derived from fossil fuels covered by the first subparagraph of this paragraph, at airports situated on islands smaller than 10 000 km² **or on islands constituting a NUTS 2 region**, with no road or rail link

outermost region, where the physical delivery of the eligible aviation fuel, outside of a mass balance system, took place;

with the mainland and at airports located in an outermost region, where the physical delivery of the eligible aviation fuel, outside of a mass balance system, took place;

Or. en

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 3 – point d

Text proposed by the Commission

(d) until 31 December 2029, in cases other than those referred to in points (a), (b) and (c), 30 % of the remaining price differential between the use of fossil kerosene and any eligible aviation fuel that is not derived from fossil fuels covered by the first subparagraph of this paragraph.

Amendment

(d) until 31 December 2029, in cases other than those referred to in points (a), (b) and (c), 30 % of the remaining price differential between the use of fossil kerosene and any **other** eligible aviation fuel **pursuant to Article 4 of Regulation (EU) 2023/2405** that is not derived from fossil fuels covered by the first subparagraph of this paragraph;

Or. en

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 4

Text proposed by the Commission

Fuels shall be eligible for support referred to in this paragraph only if they are produced in the EEA, in a third country that has an emissions trading system linked with the EU ETS, or in a third country to which the Union provides support pursuant to Article 25b. Fuels referred to in the third

Amendment

Fuels shall be eligible for support referred to in this paragraph only if they are produced in the EEA, in a third country that has an emissions trading system linked with the EU ETS, or in a third country to which the Union provides support pursuant to Article 25b. Fuels referred to in the third

subparagraph, points (a), (b) and (d), shall be eligible for a 10 percentage point increase in coverage if they are produced using feedstock that is sourced in the Union, in a third country that has an emissions trading system linked with the EU ETS, or in a third country to which the Union provides support pursuant to Article 25b.

subparagraph, points (a), (b) and (d), shall be eligible for a 10 percentage point increase in coverage if they are produced using feedstock that is sourced in the Union, in a third country that has an emissions trading system linked with the EU ETS, or in a third country to which the Union provides support pursuant to Article 25b. ***The place of production of the fuel and, where applicable, the place of sourcing of the feedstock shall be demonstrated through certification schemes recognised pursuant to Article 30 of Directive (EU) 2018/2001 and recorded in the Union database referred to in Article 31a of that Directive. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by laying down the arrangements for verifying those requirements.***

Or. en

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 5

Text proposed by the Commission

The allocation of allowances under this paragraph may take into account possible support from other schemes at national, Union, or international level.

Amendment

The Commission may allocate up to 90 million allowances from the quantity referred to in the first subparagraph of this article to the Industrial Decarbonisation Bank established pursuant to Article 10cc. The revenues generated from the auctioning of those allowances shall be transferred to the Industrial Decarbonisation Bank and shall be used to support projects producing drop in renewable fuels of non-biological origin compliant with Article 25 of Directive (EU) 2018/2001 used in aviation for which the emission factor is

zero under Annex IV or under the implementing act adopted pursuant to Article 14 of this Directive. The Commission shall award support in accordance with Article 10cd or Article 10ce, as applicable, and shall publish the specific terms and conditions for the use of those allowances. The allocation of allowances under this paragraph may take into account possible support from other schemes at national, Union, or international level. *The combined amount of support received under this Article, Articles 10cb, 10cd and 10ce and other Union or national funding instruments shall not exceed the price differential referred to in this paragraph or result in overcompensation. The same eligible cost shall not be financed twice.*

Or. en

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 6

Text proposed by the Commission

On a yearly basis, aircraft operators may apply for an allocation of allowances based on the quantity of each eligible aviation fuel referred to in this paragraph used on subsonic flights, with the exception of business flights, for which allowances have to be surrendered in accordance with Article 12(3) between 1 January 2024 and 31 December 2040, excluding flights for which that requirement is considered to be satisfied pursuant to Article 28a(1). On a yearly basis, aircraft operators may apply for an allocation of allowances in case of electric or hybrid aircraft using electricity or hydrogen for performing any flight for which allowances have to be surrendered

Amendment

On a yearly basis, aircraft operators may apply for an allocation of allowances based on the quantity of each eligible aviation fuel referred to in this paragraph used on subsonic flights, with the exception of business flights, for which allowances have to be surrendered in accordance with Article 12(3) between 1 January 2024 and 31 December 2040, excluding flights for which that requirement is considered to be satisfied pursuant to Article 28a(1). On a yearly basis, aircraft operators may apply for an allocation of allowances in case of electric or hybrid aircraft using electricity or hydrogen for performing any flight for which allowances have to be surrendered

in accordance with Article 12(3) until 31 December 2035.

in accordance with Article 12(3) until 31 December 2035. ***The quantities of eligible aviation fuels for which an allocation of allowances is requested or to which a zero emission factor is applied shall be demonstrated through records in the Union database referred to in Article 31a of Directive (EU) 2018/2001. The same quantity shall not be claimed by more than one aircraft operator, nor under any other offsetting or emissions-claiming scheme.***

Or. en

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 7

Text proposed by the Commission

If an aircraft operator demonstrates to the satisfaction of the Commission a binding long-term fuel supply contract for the fuels referred to in the third subparagraph, points (a), (b) and (e), which binds both the fuel supplier and the aircraft operator, and is valid for at least three years, the allowances covering the price difference for each year of the duration of the contract, for a maximum of five years, shall be reserved for that aircraft operator. The yearly allocation of the allowances for the use of the eligible fuels delivered under those contracts shall be done the same way as set out in the second to fourth subparagraphs. Allowances reserved under this point cannot exceed 10 million.

Amendment

If an aircraft operator demonstrates to the satisfaction of the Commission a binding long-term fuel supply contract for the fuels referred to in the third subparagraph, points (a), (b) and (e), which binds both the fuel supplier and the aircraft operator, and is valid for at least three years, the allowances covering the price difference for each year of the duration of the contract, for a maximum of five years, shall be reserved for that aircraft operator. The yearly allocation of the allowances for the use of the eligible fuels delivered under those contracts shall be done the same way as set out in the second to fourth subparagraphs. Allowances reserved under this point cannot exceed 10 million. ***The contract shall specify at least the annual volumes, the type of fuel, the production installation and the delivery schedule. The Commission shall publish each year, in aggregated form, the number of allowances reserved and the number of***

contracts.

Or. en

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 8

Text proposed by the Commission

If, for a given year, the demand for allowances pursuant to this paragraph is higher than the availability of allowances, the ***quantity of*** allowances shall be ***reduced*** in a uniform manner ***for*** all aircraft operators concerned ***by the allocation for that year.***

Amendment

If, for a given year, the demand for allowances pursuant to this paragraph is higher than the availability of allowances, the ***reduction shall apply first to*** allowances ***requested for the fuels referred to in the third subparagraph, point (d), then to those referred to in point (a) and then to those referred to in points (b), (c) and (e).*** ***Within each category, the reduction*** shall be ***applied*** in a uniform manner ***to*** all aircraft operators concerned. ***Unused allowances within the 20 million allowance envelope shall remain available for subsequent years and shall not be reallocated to other purposes unless otherwise provided for by this Directive.***

Or. en

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 10

Text proposed by the Commission

The Commission shall publish in the Official Journal of the European Union details of the average cost difference between fossil kerosene, taking into

Amendment

The Commission shall publish in the Official Journal of the European Union details of the average cost difference between fossil kerosene, taking into

account incentives from the price of carbon and from harmonised minimum levels of taxation on fossil fuels, and the relevant eligible aviation fuels, ***on a yearly basis*** for the previous year.

account incentives from the price of carbon and from harmonised minimum levels of taxation on fossil fuels, and the relevant eligible aviation fuels ***by 31 March of each year*** for the previous year, ***separately for each category of fuel referred to in the third subparagraph, points (a) to (e).***

Or. en

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2003/87/EC

Article 3c – paragraph 6 – subparagraph 12

Text proposed by the Commission

The Commission shall adopt implementing acts listing business aircraft(s), the flights performed by which aircraft are considered business flights. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Amendment

The Commission shall adopt implementing acts listing business aircraft(s), the flights performed by which aircraft are considered business flights. ***The list shall be based on objective and publicly available technical criteria relating to the certified maximum seating configuration, the type of operating certificate under which the aircraft is operated, and typical utilisation patterns, and shall not be based on ownership structure alone. The Commission shall consult operators' representative associations before adopting or updating the list, and shall review it at least every two years.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Or. en

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Text proposed by the Commission

By 1 July **2032**, the Commission shall carry out an assessment regarding the application of this paragraph and submit the results in a report to the European Parliament and to the Council. The report may, where appropriate, be accompanied by a legislative proposal to revise the amount reserved under this paragraph until 31 December 2040, taking into account changes to the geographic extent of flights subject to the surrender obligation laid down in Article 12(3), to continue incentivise the use of the fuels identified in the first subparagraph of this paragraph, in particular the use of renewable fuels of non-biological origin compliant with Article 25 of Directive (EU) 2018/2001, used in aviation, for which the emission factor is zero under Annex IV or under the implementing act adopted pursuant to Article 14 of this Directive.

Amendment

By 1 July **2031**, the Commission shall carry out an assessment regarding the application of this paragraph and submit the results in a report to the European Parliament and to the Council. The report may, where appropriate, be accompanied by a legislative proposal to revise the amount reserved under this paragraph until 31 December 2040, taking into account changes to the geographic extent of flights subject to the surrender obligation laid down in Article 12(3), to continue incentivise the use of the fuels identified in the first subparagraph of this paragraph, in particular the use of renewable fuels of non-biological origin compliant with Article 25 of Directive (EU) 2018/2001, used in aviation, for which the emission factor is zero under Annex IV or under the implementing act adopted pursuant to Article 14 of this Directive.

Or. en

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a
Directive 2003/87/EC
Article 3c – paragraph 6 – subparagraph 14

Text proposed by the Commission

From 1 January 2028, the Commission shall evaluate the application of this paragraph in the annual report it is required to submit pursuant to Article 10(5).

Amendment

From 1 January 2028, the Commission shall evaluate the application of this paragraph in the annual report it is required to submit pursuant to Article 10(5). ***The evaluation shall include an assessment of the effectiveness of the mechanism in reducing the cost differential of eligible aviation fuels, the greenhouse gas emissions avoided per allowance***

allocated, the geographical distribution of support among aerodromes located in the EEA, the effects of the origin requirements on the availability and price of eligible fuels and the additional private investment mobilised and the interaction with the Innovation Fund established under Article 10cb.

Or. en

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – title

Text proposed by the Commission

Reservation and allocation of allowances for the use of sustainable maritime fuels and zero-emission propulsion technologies

Amendment

Sustainable Maritime ***Alternative Propulsion (SMAP) mechanism***

Or. en

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. A Sustainable Maritime Alternative Propulsion (SMAP) mechanism is established to support in particular the uptake of Union-produced sustainable fuels, wind propulsion and electrification.

Or. en

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 1

Text proposed by the Commission

1. Notwithstanding Article 10(1), for the period from 1 January [2028/first year after the entry into force of this Directive] to 31 December 2040, a maximum of **110** million of the Union-wide quantity of allowances referred to in Article 9 shall be reserved for the use of sustainable maritime fuels or the deployment and operation of zero-emission propulsion technologies, including electric and wind-assisted propulsion systems, provided that those fuels and technologies are used in accordance with the rules laid down in this Article.

Amendment

1. Notwithstanding Article 10(1), for the period from 1 January [2028/first year after the entry into force of this Directive] to 31 December 2040, a maximum of **200** million of the Union-wide quantity of allowances referred to in Article 9 shall be reserved for the use of sustainable maritime fuels ***bunkered in EU ports or in ports identified in the implementing act adopted pursuant to paragraph 8*** or the deployment and operation of zero-emission propulsion technologies, including electric and wind-assisted propulsion systems, provided that those fuels and technologies are used in accordance with the rules laid down in this Article.

Or. en

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. At least 20 % of the mechanism's resources defined in paragraph 1 shall be reserved for small and medium-sized shipping companies, short-sea shipping operators, ferries and vessels serving island, peripheral and outermost connections, including routes subject to public service obligations.

Or. en

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 4 – point b

Text proposed by the Commission

(b) the cost incurred in deploying and operating zero-emission propulsion technologies compared to conventional propulsion systems, in proportion to the amount of emission reductions achieved through the use of these zero-emission propulsion technologies.

Amendment

(b) the cost incurred in deploying and operating zero-emission propulsion technologies compared to conventional propulsion systems, in proportion to the amount of emission reductions achieved through the use of these zero-emission propulsion technologies. ***Where the deployment of those technologies has received support under Article 10cb, only the additional operating costs shall be covered;***

Or. en

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the additional operating costs directly related to the verified use of eligible sustainable maritime fuels or the verified operation of eligible zero-emission propulsion technologies, where such costs are not already covered under points (a) and (b) or by another Union or national support scheme.

Or. en

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The place of production of sustainable maritime fuels and, where applicable, the place of sourcing of the feedstock shall be demonstrated through certification schemes recognised pursuant to Article 30 of Directive (EU) 2018/2001 and recorded in the Union database referred to in Article 31a of that Directive. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by laying down the arrangements for verifying those requirements and the requirements laid down in point (b) of the first subparagraph.

Or. en

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 10

Text proposed by the Commission

Amendment

10. On a yearly basis, shipping companies may apply for an allocation of allowances based on the quantity of sustainable maritime fuels used and the emission reductions achieved through zero-emission propulsion technologies during the preceding calendar year.

10. On a yearly basis, shipping companies may apply for an allocation of allowances based on the quantity of sustainable maritime fuels used and the emission reductions achieved through zero-emission propulsion technologies during the preceding calendar year. **The quantities of sustainable maritime fuels for which an allocation of allowances is requested or to which a zero emission factor is applied shall be demonstrated through**

records in the Union database referred to in Article 31a of Directive (EU) 2018/2001.

Or. en

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 11

Text proposed by the Commission

11. If, for a given year, the demand for allowances exceeds the quantity of allowances available, the ***quantity of*** allowances shall be ***reduced*** in a uniform manner ***for*** all shipping companies concerned ***by the allocation for that year.***

Amendment

11. If, for a given year, the demand for allowances exceeds the quantity of allowances available, the ***reduction shall apply first to allowances requested for the fuels referred to in paragraph 9, first subparagraph, point (c), then to those referred to in point (a) and then to those referred to in points (b) and (d). Within each category, the reduction*** shall be ***applied*** in a uniform manner ***to*** all shipping companies concerned. ***Unused allowances within the 200 million allowance envelope shall remain available for subsequent years until 31 December 2040 and shall not be reallocated to other purposes unless otherwise provided for by this Directive.***

Or. en

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 12

Text proposed by the Commission

12. The allocation of allowances under

Amendment

12. ***The Commission may allocate up***

this Article may take into account possible support from other schemes at national, Union, or international level.

*to 90 million allowances from the quantity referred to in the first paragraph of this article to the Industrial Decarbonisation Bank established pursuant to Article 10cc. The revenues generated from the auctioning of those allowances shall be transferred to the Industrial Decarbonisation Bank and shall be used to support projects producing drop in renewable fuels of non-biological origin compliant with Article 25 of Directive (EU) 2018/2001 used in maritime for which the emission factor is zero under Annex IV or under the implementing act adopted pursuant to Article 14 of this Directive. The Commission shall award support in accordance with Article 10cd or Article 10ce, as applicable, and shall publish the specific terms and conditions for the use of those allowances. Upon selection of a project, the allowances corresponding to the support awarded shall be deducted from the quantity referred to in paragraph 1. The allocation of allowances under this Article may take into account possible support from other schemes at national, Union, or international level. **The combined amount of support received under this Article, Articles 10cb, 10cd and 10ce and other Union or national funding instruments shall not exceed the additional costs referred to in paragraph 4 or result in overcompensation. The same eligible cost shall not be financed twice.***

Or. en

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 13 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the amount of allowances allocated under this Article, the amount of financial support corresponding to those allowances, the quantity of sustainable maritime fuels supported, the number and type of zero-emission propulsion technologies supported and the estimated greenhouse gas emissions avoided.

Or. en

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 14 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the application procedure and verification of eligible fuel use and emissions reductions;

Or. en

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 14 – point d

Text proposed by the Commission

Amendment

(d) application, allocation, monitoring, reporting and verification procedures as regards the allocation of allowances in accordance with this Article;

(d) application, allocation, monitoring, reporting and verification procedures as regards the allocation of allowances in accordance with this Article ***including the verification of the origin requirements laid down in paragraph 6;***

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 14 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the interaction between support under this Article and support under Article 10cb.

Or. en

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3gaa – paragraph 16

Text proposed by the Commission

Amendment

16. From 1 January 2032, the Commission shall evaluate the application of this Article in the annual report it is required to submit pursuant to Article 10(5).

16. From 1 January 2032, the Commission shall evaluate the application of this Article in the annual report it is required to submit pursuant to Article 10(5). ***The evaluation shall include an assessment of the effectiveness of the mechanism in reducing the cost differential of sustainable maritime fuels and zero-emission propulsion technologies, the greenhouse gas emissions avoided per allowance allocated, the additional private investment mobilised and the interaction with the Innovation Fund established under Article 10cb.***

Or. en

Amendment 38

Proposal for a directive

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

Directive 2003/87/EC

Article 3gab a (new)

Text proposed by the Commission

Amendment

(6a) after Article 3gab, the following Article is inserted:

'Article 3gaba

Maritime carbon leakage monitoring and early warning

1. The Commission shall establish an annual maritime carbon leakage monitoring mechanism, based on data collected under Regulation (EU) 2015/757, the Union Registry, the Paris Memorandum of Understanding on Port State Control and the European Maritime Safety Agency's flag State performance data.

The mechanism shall track, at the level of individual maritime market segments:

(a) changes in the market share of Union ports relative to comparable neighbouring third-country ports;

(b) reflagging of vessels away from Union and Union-linked registries;

(c) freight rate differentials between routes calling at Union ports and functionally equivalent routes that do not call at Union ports;

(d) changes in the average size and number of vessels deployed on routes approaching the thresholds set out in Annex I;

(e) the volume of support allocated under Article 3gaa in respect of voyages between a Union port and a non-Union port.

2. Where the mechanism identifies a sustained and material deviation attributable to the application of this Directive, the Commission shall, within

nine months, submit a report to the European Parliament and the Council identifying the evasion practice concerned and, where appropriate, a legislative proposal to close it. Such a proposal shall not reduce the surrender obligation, narrow the scope of application, or lower the quantity of allowances determined under Article 9.

Or. en

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point -a (new)

Directive 2003/87/EC

Article 3gg – paragraph 1 – point aa (new)

Text proposed by the Commission

Amendment

(-a) in paragraph 1, the following point is inserted:

‘(aa) its ambition in relation to objectives achieved pursuant to this Directive concerning maritime operations;’

Or. en

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a a (new)

Directive 2003/87/EC

Article 3gg – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(aa) in paragraph 1, the following point is added:

‘(ca) the impact of the EU ETS on the competitiveness of Union shipping companies and ports, including the risk of evasion and of carbon leakage to ports

outside the Union.'

Or. en

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point b

Directive 2003/87/EC

Article 3gg – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where appropriate, the Commission may accompany the report referred to in the second subparagraph of this paragraph with a legislative proposal to amend this Directive in a manner that is consistent with the Union **2030** climate targets and the climate-neutrality objective set out in Regulation (EU) 2021/1119, and with the aim of preserving the environmental integrity and effectiveness of Union climate action, in order to ensure coherence between the implementation of the global market-based measure and the EU ETS, while avoiding double payment and any significant double burden.;

Amendment

Where appropriate, the Commission may accompany the report referred to in the second subparagraph of this paragraph with a legislative proposal to amend this Directive in a manner that is consistent with the Union climate targets and the climate-neutrality objective set out in Regulation (EU) 2021/1119, and with the aim of preserving the environmental integrity and effectiveness of Union climate action, in order to ensure coherence between the implementation of the global market-based measure and the EU ETS, while avoiding double payment and any significant double burden.;

Or. en

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point e

Directive 2003/87/EC

Article 3gg – paragraph 7

Text proposed by the Commission

7. No later than 30 September 2023, the Commission shall assess the implementation of the derogation provided for in Article 12(3-e), taking into account technological developments, the

Amendment

deleted

availability and deployment of low- and zero-emission propulsion technologies and sustainable fuels suitable for ice-class ships, the impact of the derogation on the decarbonisation of maritime transport, and the appropriateness of extending its application beyond 31 December 2035 and, where appropriate, submit a legislative proposal to that effect.;

Or. en

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point b

Directive 2003/87/EC

Article 9 – subparagraph 5

Text proposed by the Commission

In [2031/two years after inclusion of additional small ships in MRV], the Union-wide quantity of allowances shall be increased to take into account the coverage of emissions of the categories of ships below 5 000 gross tonnage but not below 400 gross tonnage referred to in Annex I, based on their emissions for the most recent year for which data are available. The allowances resulting from that increase shall contribute to the quantity referred to in Article 3gaa.

Amendment

In [2031/two years after inclusion of additional small ships in MRV], the Union-wide quantity of allowances shall be increased to take into account the coverage of emissions of the categories of ships below 5 000 gross tonnage but not below 400 gross tonnage referred to in Annex I, based on their emissions for the most recent year for which data are available. The allowances resulting from that increase shall contribute to the quantity referred to in Article 3gaa. ***By way of derogation, the surrender obligation shall apply to 50 % of verified emissions for 2031, 75 % for 2032 and 100 % from 2033.***

Or. en

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 14 – point a

Directive 2003/87/EC

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

At least 57 % of the allowances available the Union-wide quantity of allowances referred to in Article 9 of this Directive that are not allocated in accordance with Articles 9, 3gaa, 3gab, 9c, 10cc and 19 of this Directive, shall be auctioned by the Member States, without prejudice to a possible reduction pursuant to Article 10a(5a) of this Directive, to the placing of allowances in the market stability reserve (MSR) established by Decision (EU) 2015/1814* of the European Parliament and of the Council or to the cancellation of allowances in accordance with Article 12(4) of this Directive. The share of allowances to be auctioned by the Member States shall increase as a result of the application of the CBAM factor in accordance with Article 10a(1a) of this Directive. The quantity of allowances to be auctioned by the Member States shall be distributed in accordance with paragraph 2 of this Article.;

Amendment

At least 57 % of the allowances available the Union-wide quantity of allowances referred to in Article 9 of this Directive that are not allocated in accordance with Articles 9, **3c(6)**, 3gaa, 3gab, 9c, 10cc and 19 of this Directive, shall be auctioned by the Member States, without prejudice to a possible reduction pursuant to Article 10a(5a) of this Directive, to the placing of allowances in the market stability reserve (MSR) established by Decision (EU) 2015/1814* of the European Parliament and of the Council or to the cancellation of allowances in accordance with Article 12(4) of this Directive. The share of allowances to be auctioned by the Member States shall increase as a result of the application of the CBAM factor in accordance with Article 10a(1a) of this Directive. The quantity of allowances to be auctioned by the Member States shall be distributed in accordance with paragraph 2 of this Article.;

Or. en

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 14 – point c

Directive 2003/87/EC

Article 10 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall determine the use of revenues generated from the auctioning of allowances referred to in paragraph 2 of this Article, except for the revenues established as own resources in accordance with Article 311, third paragraph, TFEU and entered in the Union budget. Member States shall use at least **50%** of those revenues, with the exception of the

Amendment

Member States shall determine the use of revenues generated from the auctioning of allowances referred to in paragraph 2 of this Article, except for the revenues established as own resources in accordance with Article 311, third paragraph, TFEU and entered in the Union budget. Member States shall use at least **75%** of those revenues, with the exception of the

revenues used for the compensation of indirect carbon costs referred to in Article 10a(6) of this Directive, or the equivalent in financial value of those revenues, to support the decarbonisation of ETS sectors, for one or more of the following priority purposes:

revenues used for the compensation of indirect carbon costs referred to in Article 10a(6) of this Directive, or the equivalent in financial value of those revenues, to support the decarbonisation of ETS sectors, for one or more of the following priority purposes:

Or. en

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 14 – point c

Directive 2003/87/EC

Article 10 – paragraph 3 – subparagraph 1 – point f

Text proposed by the Commission

(f) measures to support modal shift towards decarbonised forms of transport;

Amendment

(f) measures to support modal shift towards decarbonised forms of transport, ***including rail transport*** ;

Or. en

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 14 – point c

Directive 2003/87/EC

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall allocate to the decarbonisation of maritime transport and aviation referred to in point (d) and (e) an amount not lower than 70 % of the revenues generated by the auctioning of allowances in respect of the emissions of shipping companies and aircraft operators in that Member State. The sectorial floor shall be applied separately to maritime transport and aviation, in proportion to the revenues generated by

each.

Or. en

Amendment 48

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2003/87/EC

Article 10cb – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

A share of not less than 15 % of the allowances available under this Article shall be dedicated to first-of-a-kind and demonstration projects in maritime transport and aviation, including renewable fuels of non-biological origin for those sectors, hydrogen and electric propulsion, onboard carbon capture where accompanied by verified permanent storage, and the associated port and airport infrastructure.

Or. en

Amendment 49

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2003/87/EC

Article 10cb – paragraph 3

Text proposed by the Commission

Amendment

3. The Innovation Fund shall support projects in the territory of all Member States in sectors listed in Annex I and III, including products, technologies and processes substituting carbon-intensive ones; innovative renewable energy and energy storage technologies, including the manufacturing of clean technologies; electrification; environmentally safe carbon

3. The Innovation Fund shall support projects in the territory of all Member States in sectors listed in Annex I and III, including products, technologies and processes substituting carbon-intensive ones; innovative renewable energy and energy storage technologies, including the manufacturing of clean technologies; electrification; environmentally safe carbon

capture and utilisation (CCU) that contributes substantially to mitigating climate change, environmentally safe capture, transport and geological storage (CCS) of CO₂, in particular for hard-to-abate industrial emissions; direct atmospheric CO₂ capture with safe, sustainable and permanent storage (DACCS); and breakthrough innovative technologies and infrastructure, including electrification, production of low- and zero-carbon fuels, to decarbonise maritime and aviation. ***For the aviation and maritime sectors, the Innovation Fund may also support*** measures to reduce the overall climate impact, including non-CO₂ effects.

capture and utilisation (CCU) that contributes substantially to mitigating climate change, environmentally safe capture, transport and geological storage (CCS) of CO₂, in particular for hard-to-abate industrial emissions; direct atmospheric CO₂ capture with safe, sustainable and permanent storage (DACCS); and breakthrough innovative technologies and infrastructure, including electrification. ***For the aviation and maritime sectors, the Innovation Fund shall support the*** production of low- and zero-carbon fuels, decarbonise maritime and aviation ***and support*** measures to reduce the overall climate impact, including non-CO₂ effects ***including in maritime transport: energy-efficiency retrofits of the existing fleet; onshore power supply for ships at berth and the related grid connections and port infrastructure, consistent with Regulation 2023/1804; battery storage systems and hybrid propulsion; engine conversions to ammonia, methanol and renewable hydrogen; and in aviation sector: fleet retrofit programmes reducing fuel burn, including winglet installation, engine core upgrades and weight-reduction retrofits; fixed electrical ground power and pre-conditioned air installations at airports; first-of-a-kind aircraft using electric or hydrogen propulsion.***

Or. en

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2003/87/EC

Article 10cb – paragraph 5 – subparagraph 2

Text proposed by the Commission

The Innovation Fund shall be implemented in synergy with other Union programmes.

Amendment

The Innovation Fund shall be implemented in synergy with other Union programmes.

An action that has received a Union contribution from another programme may also receive another contribution under the Innovation Fund. The rules of the relevant Union programme shall apply to the corresponding contribution and, if it is based on eligible costs, the cumulative support from the Innovation Fund and that other Union programme shall not exceed the total eligible costs of the action and may be calculated on a pro-rata basis.

An action that has received a Union contribution from another programme may also receive another contribution under the Innovation Fund. The rules of the relevant Union programme shall apply to the corresponding contribution and, if it is based on eligible costs, the cumulative support from the Innovation Fund and that other Union programme shall not exceed the total eligible costs of the action and may be calculated on a pro-rata basis.

Where a project has received or applies for support under Article 3c(6) or Article 3gaa, the Innovation Fund support shall only cover capital expenditure and shall take into account that support, so that the cumulative support does not exceed the relevant costs of the project.

Or. en

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2003/87/EC

Article 10cb – paragraph 6 – subparagraph 1

Text proposed by the Commission

In implementing the Innovation Fund, the Commission shall strive to ensure effective, quality-based geographical coverage across the Union, ensure adequate participation of SME's, in particular start-ups and scale-ups, and create synergies with other funding available at EU level, in particular Horizon Europe and the European Competitiveness Fund. In this context, the Commission may provide project development assistance and, on request, technical assistance to Member States with low effective participation in the Innovation Fund to address specific project challenges in those countries and improve geographical

Amendment

In implementing the Innovation Fund, the Commission shall strive to ensure effective, quality-based geographical coverage across the Union, ensure adequate participation of SME's, in particular start-ups and scale-ups, and create synergies with other funding available at EU level, in particular Horizon Europe and the European Competitiveness Fund. In this context, the Commission may provide project development assistance and, on request, technical assistance to Member States with low effective participation in the Innovation Fund to address specific project challenges in those countries and improve geographical coverage. ***The Commission shall organise***

coverage.

dedicated bidding windows for maritime transport, for aviation and for transport infrastructure.

Or. en

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2003/87/EC

Article 10cc – paragraph 1 – subparagraph 1

Text proposed by the Commission

An instrument to support the scaling up and deployment of the technologies, processes and techniques to decarbonise industries (the ‘Industrial Decarbonisation Bank’) is established starting from 2028. It shall accelerate industrial decarbonisation, including electrification, within the Union through supporting capital investment, including grid connection, storage and flexibility costs incurred by projects, and operational expenditure for emission reductions or removals in stationary installations carrying out or substituting industrial production processes referred to in Annex I of this Directive, including in installations for the incineration of waste. In the period from 2028 to 2030, 400 million allowances from the quantity of allowances available pursuant to the second indent of Article 10a(5b) shall be reserved to support industrial decarbonisation projects on a ‘first in, first served’ basis in accordance with Article 10cd.

Amendment

An instrument to support the scaling up and deployment of the technologies, processes and techniques to decarbonise industries (the ‘Industrial Decarbonisation Bank’) is established starting from 2028. It shall accelerate industrial decarbonisation, including electrification, within the Union through supporting capital investment, including grid connection, storage and flexibility costs incurred by projects, and operational expenditure for emission reductions or removals in stationary installations carrying out or substituting industrial production processes referred to in Annex I of this Directive, including in installations for the incineration of waste, ***in installations producing biofuels and in installations producing renewable fuels of non-biological origin for aviation and maritime transport within the Union.*** In the period from 2028 to 2030, 400 million allowances from the quantity of allowances available pursuant to the second indent of Article 10a(5b) shall be reserved to support industrial decarbonisation projects on a ‘first in, first served’ basis in accordance with Article 10cd.

Or. en

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2003/87/EC

Article 10cc – paragraph 5a (new)

Text proposed by the Commission

Amendment

5a. In implementing the Industrial Decarbonisation Bank, the Commission shall ensure, to the greatest extent possible, the effective and balanced high quality delivery of support across the sectors covered by this Directive that fall within the scope of the Industrial Decarbonisation Bank.

Or. en

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 22 – point a – point ii

Directive 2003/87/EC

Article 12 – paragraph 3-g – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 3, first subparagraph, point (c), shipping companies may surrender fewer allowances than their verified emissions in respect of emissions released until 31 December 2035 from voyages from a port of call outside the jurisdiction of a Member State to a port of call under the jurisdiction of a Member State if performed by containerships **of 10 000 TEU and above**, if the distance of the voyage exceeds **300** nautical miles.

By way of derogation from paragraph 3, first subparagraph, point (c), shipping companies may surrender fewer allowances than their verified emissions in respect of emissions released until 31 December 2035 from voyages **to and** from a port of call outside the jurisdiction of a Member State to a port of call under the jurisdiction of a Member State if performed by containerships, if the distance of the voyage exceeds **3000** nautical miles.

Or. en

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 22 – point a – point ii

Directive 2003/87/EC

Article 12 – paragraph 3-g – subparagraph 3

Text proposed by the Commission

The amount of allowances to be surrendered in respect of the containership referred to in the first subparagraph ***at the port of call under the jurisdiction of a Member State, shall be reduced on the basis of the share of containers, measured in twenty-foot equivalent units, unloaded at the port of call under the jurisdiction of a Member State for the sole purpose of being loaded onto another ship, performing a voyage between the same port of call and a port of call outside the jurisdiction of a Member State, compared to the total number of containers unloaded by the containership.***

Amendment

The amount of allowances to be surrendered in respect of the containership referred to in the first subparagraph shall ***correspond to the percentage of those emissions for which allowances must be surrendered, as determined by applying the factor set out in the following table:*** ·

Distance of voyage Percentage of emissions for which allowances must be surrendered

More than 3 000 and up to 4 000 nautical miles 45 % ·

More than 4 000 and up to 5 000 nautical miles 40 % ·

More than 5 000 and up to 6 500 nautical miles 35 % ·

More than 6 500 and up to 9 700 nautical miles 25 % ·

More than 9 700 nautical miles 15 %.

Or. en

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 22 – point a a (new)

Present text

3-e. By way of derogation from paragraph 3, first subparagraph, point (c), shipping companies may surrender **5 %** fewer allowances than their verified emissions released ***until 31 December 2030*** from ice-class ships, provided that such ships have the ice class IA or IA Super or an equivalent ice class, established based on HELCOM Recommendation 25/7. Where fewer allowances are surrendered compared to the verified emissions, once the difference between verified emissions and allowances surrendered has been established in respect of each year, an amount of allowances corresponding to that difference shall be cancelled rather than auctioned pursuant to Article 10.

Amendment

(aa) paragraph 3-e is replaced by the following:

'3-e. By way of derogation from paragraph 3, first subparagraph, point (c), shipping companies may surrender fewer allowances than their verified emissions released from ice-class ships, provided that such ships have the ice class IA or IA Super or an equivalent ice class, established based on HELCOM Recommendation 25/7 ***as follows: (a) 5 % fewer allowances than their verified emissions released until 31 December 2035; (b) 4 % fewer allowances than their verified emissions released until 31 December 2036; (c) 3 % fewer allowances than their verified emissions released until 31 December 2037; (d) 2 % fewer allowances than their verified emissions released until 31 December 2038; (e) 1 % fewer allowances than their verified emissions released until 31 December 2039; (f) from 1 January 2040, shipping companies shall be liable to surrender allowances for 100% of their verified emissions from ice-class ships.*** Where fewer allowances are surrendered compared to the verified emissions, once the difference between verified emissions and allowances surrendered has been established in respect of each year, an amount of allowances corresponding to that difference shall be cancelled rather than auctioned pursuant to Article 10.';

Or. en

(02003L0087)

Amendment 57

Proposal for a directive

Article 1 – paragraph 1 – point 22 – point b

Directive 2003/87/EC

Article 12 – paragraphs 3-d, 3-c, 3-b

Present text

(b) in paragraphs **3-e**, 3-d, 3-c, and 3-b, the date of ‘31 December 2030’ is replaced by ‘31 December **2035**

Amendment

(b) " in paragraphs 3-d, 3-c, and 3-b, the date of ‘31 December 2030’ is replaced by ‘31 December **2040**’

Or. en

(02003L0087)

Amendment 58

Proposal for a directive

Article 1 – paragraph 1 – point 22 – point d a (new)

Directive 2003/87/EC

Article 12 – paragraph 3b a (new)

Text proposed by the Commission

Amendment

(da) the following paragraph is inserted:

‘3ba. By way of derogation from paragraphs 3-d, 3-c, and 3-b of this Article, as of 2034, shipping companies that are exempted under those provisions shall be liable to surrender allowances according to the following schedule:

(a) 14,3 % of verified emissions reported for 2034 that would be subject to surrender requirements in accordance with Article 12;

(b) 28,6 % of verified emissions reported for 2035 that would be subject to surrender requirements in accordance with Article 12;

(c) 42,9 % of verified emissions reported for 2036 that would be subject to surrender requirements in accordance with Article 12;

(d) 57,2 % of verified emissions reported for 2037 that would be subject to surrender requirements in accordance with Article 12;

(e) 71,5 % of verified emissions reported for 2038 that would be subject to surrender requirements in accordance with Article 12;

(f) 85,8 % of verified emissions reported for 2039 that would be subject to surrender requirements in accordance with Article 12;

(g) 100 % of verified emissions reported for 2040 and each year thereafter in accordance with Article 12.’;

Or. en

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 29 – point a

Directive 2003/87/EC

Article 25a – paragraph 4

Text proposed by the Commission

Amendment

(a) paragraph 4 is replaced by the following:

deleted

‘4. In respect of emissions released until 31 December 2035 from flights to or from States that are listed in the implementing act adopted pursuant to paragraph 3 of this Article, aircraft operators shall not be required to surrender allowances in accordance with Article 12(3) in respect of those emissions.’

Or. en

Amendment 60

Proposal for a directive

Article 1 – paragraph 1 – point 31 – point a – point ii

Directive 2003/87/EC

Article 28a – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) from 1 January 2033 all flights which arrive at or depart from an aerodrome situated in the territory of a Member State to which the Treaty applies shall be included. unless the Commission establishes, by 30 June 2032, that CORSIA cumulatively satisfies all the criteria set out in Article 28b(4).

Or. en

Amendment 61

Proposal for a directive

Article 1 – paragraph 1 – point 31 – point d

Directive 2003/87/EC

Article 28a – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

In addition to the amount reserved for the use of eligible aviation fuels and electricity pursuant to Article 3c(6), taking into account the provisional restriction of the geographical scope pursuant to Article 28a(1), point (d), a further maximum 110 million allowances of the allowances referred to in third subparagraph of paragraph 1 shall be reserved for the purposes laid down in Article 3c(6) until 31 December 2040.

deleted

Or. en

Amendment 62

Proposal for a directive

Article 1 – paragraph 1 – point 31 – point d

Directive 2003/87/EC

Article 28a – paragraph 6 – subparagraph 2

Text proposed by the Commission

From 1 January 2029, the amount shall be available for all flights departing from an aerodrome located in the EEA, with the restrictions for business flights pursuant to Article 3c(6). From this date, the two last sentences of Article 3c(6), first subparagraph, shall not apply for the allocation of allowances pursuant to that Article.;

Amendment

deleted

Or. en

Amendment 63

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2003/87/EC

Article 28b – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission's report shall be accompanied by a legislative proposal, where appropriate, to amend this Directive in a way that is consistent with the Paris Agreement temperature goal, the Union's economy-wide greenhouse gas emission reduction commitment for 2040 and the objective of achieving climate neutrality by 2050 at the latest, and with the aim of preserving the environmental integrity and effectiveness of the Union's climate action. An accompanying proposal shall, as appropriate, restrict the application of the EU ETS to flights between two aerodromes located in States in the EEA, to aerodromes located in Switzerland and the UK and to and from Gibraltar where the report shows

Amendment

The Commission's report shall be accompanied by a legislative proposal, where appropriate, to amend this Directive in a way that is consistent with the Paris Agreement temperature goal, the Union's economy-wide greenhouse gas emission reduction commitment for 2040 and the objective of achieving climate neutrality by 2050 at the latest, and with the aim of preserving the environmental integrity and effectiveness of the Union's climate action. An accompanying proposal shall, as appropriate, restrict the application of the EU ETS to flights between two aerodromes located in States in the EEA, to aerodromes located in Switzerland and the UK and to and from Gibraltar where the report shows

that:

that *CORSIA has been strengthened in line with achieving its long-term global aspirational goal, towards meeting the Paris Agreement goals and all of the following conditions are met:*

(a) States participating in the mandatory phase account for at least 70 % of international civil aviation emissions measured in revenue tonne-kilometres;

(b) eligible units are exclusively units subject to a corresponding adjustment under Article 6 of the Paris Agreement;

(c) the weighted average cost per tonne of CO₂ offset over the preceding three years is not lower than 60 % of the average EU allowance price over the same period.

Or. en

Amendment 64

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2003/87/EC

Article 28b – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) CORSIA has been strengthened in line with achieving its long-term global aspirational goal, towards meeting the Paris Agreement goals; and *deleted*

Or. en

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2003/87/EC

Article 28b – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) States listed in the implementing act adopted pursuant to Article 25a(3) represent more than 70% of international aviation emissions using the most recent available data.;

deleted

Or. en

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 33 – point b a (new)

Directive 2003/87/EC

Article 30 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is added:

‘9a. By 31 December 2031 and every three years thereafter, the Commission shall submit to the European Parliament and the Council a report on the impact of this Directive on the maritime and aviation sectors, covering:

(a) the evolution of traffic volumes at Union ports and airports relative to neighbouring third-country ports and airports;

(b) the impact on the connectivity of islands, outermost regions and remote territories;

(c) the actual rate of cost pass-through to passengers and shippers;

(d) the level of reinvestment of revenues in the sectors of origin, including compliance with the sectoral floor under Article 10(3), and the share of resources from the Industrial Decarbonisation Bank, the Innovation Fund and the Modernisation Fund allocated to those sectors;

(e) progress in the deployment of sustainable fuels and clean propulsion technologies. The report shall be accompanied, where appropriate, by legislative proposals.’

Or. en

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 34 a (new)

Directive 2003/87/EC

Article 30m – paragraph 3a (new)

Text proposed by the Commission

Amendment

(34a) in Article 30m, the following paragraph is added:

‘3a. Member States shall report annually to the Commission, revenues received and expenditure made, distinguishing by sector of origin of the revenue and by sector of destination. The Commission shall publish an annual comparative scoreboard indicating, for each Member State, the share of revenues generated by maritime transport and aviation actually reinvested in the decarbonisation of those sectors, and compliance with the sectoral floor.’

Or. en