



11/01/2022

**- DRAFT -**

**AMENDMENTS: 86**

**Peter Liese**

Amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757

**Proposal for a directive** COM(2021)0551 - C9-0318/2021 – 2021/0211(COD)

Amendments created with

**at4am**

Go to <http://www.at4am.ep.parl.union.eu>

\000000EN.doc

**Drafting assistance and verification by lawyer linguists of DG PRES, DLA:**

*AM 2 - Peter Liese*  
*AM 4 - Peter Liese*  
*AM 5 - Peter Liese*  
*AM 6 - Peter Liese*  
*AM 7 - Peter Liese*  
*AM 8 - Peter Liese*  
*AM 9 - Peter Liese*  
*AM 12 - Peter Liese*  
*AM 13 - Peter Liese*  
*AM 14 - Peter Liese*  
*AM 15 - Peter Liese*  
*AM 16 - Peter Liese*  
*AM 17 - Peter Liese*  
*AM 19 - Peter Liese*  
*AM 20 - Peter Liese*  
*AM 21 - Peter Liese*  
*AM 22 - Peter Liese*  
*AM 23 - Peter Liese*  
*AM 24 - Peter Liese*  
*AM 25 - Peter Liese*  
*AM 26 - Peter Liese*  
*AM 27 - Peter Liese*  
*AM 28 - Peter Liese*  
*AM 29 - Peter Liese*  
*AM 32 - Peter Liese*  
*AM 33 - Peter Liese*  
*AM 34 - Peter Liese*  
*AM 35 - Peter Liese*  
*AM 36 - Peter Liese*  
*AM 37 - Peter Liese*  
*AM 39 - Peter Liese*  
*AM 40 - Peter Liese*  
*AM 42 - Peter Liese*  
*AM 43 - Peter Liese*  
*AM 45 - Peter Liese*  
*AM 48 - Peter Liese*  
*AM 49 - Peter Liese*  
*AM 50 - Peter Liese*  
*AM 51 - Peter Liese*  
*AM 52 - Peter Liese*  
*AM 53 - Peter Liese*  
*AM 57 - Peter Liese*  
*AM 58 - Peter Liese*

*AM 61 - Peter Liese*  
*AM 63 - Peter Liese*  
*AM 64 - Peter Liese*  
*AM 65 - Peter Liese*  
*AM 68 - Peter Liese*  
*AM 69 - Peter Liese*  
*AM 70 - Peter Liese*  
*AM 71 - Peter Liese*  
*AM 72 - Peter Liese*  
*AM 73 - Peter Liese*  
*AM 74 - Peter Liese*  
*AM 75 - Peter Liese*  
*AM 79 - Peter Liese*  
*AM 80 - Peter Liese*  
*AM 81 - Peter Liese*  
*AM 82 - Peter Liese*  
*AM 83 - Peter Liese*  
*AM 84 - Peter Liese*  
*AM 85 - Peter Liese*  
*AM 86 - Peter Liese*

**Amendments per language:**

*EN: 86*

**Amendments justification with more than 500 chars : 2**

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

*Amendments justification number with more than 500 characters:*  
*AM 58, 64*

## Amendment 1

### Proposal for a directive Recital 13

#### *Text proposed by the Commission*

(13) Greenhouse gases that are not directly released into the atmosphere should be considered emissions under the EU ETS and allowances should be surrendered for those emissions unless they are stored in a storage site in accordance with Directive 2009/31/EC of the European Parliament and of the Council<sup>46</sup>, or they are permanently chemically bound in a product so that they do not enter the atmosphere under normal use. The Commission should be empowered to adopt **implementing** acts specifying the conditions where greenhouse gases are to be considered as permanently chemically bound in a product so that they do not enter the atmosphere under normal use, including obtaining a carbon removal certificate, where appropriate, in view of regulatory developments with regard to the certification of carbon removals.

---

<sup>46</sup> Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).

#### *Amendment*

(13) Greenhouse gases that are not directly released into the atmosphere should be considered emissions under the EU ETS and allowances should be surrendered for those emissions unless they are stored in a storage site in accordance with Directive 2009/31/EC of the European Parliament and of the Council<sup>46</sup>, or they are permanently chemically bound in a product so that they do not enter the atmosphere under normal use. The Commission should be empowered to adopt **delegated** acts specifying the conditions where greenhouse gases are to be considered as permanently chemically bound in a product so that they do not enter the atmosphere under normal use, including obtaining a carbon removal certificate, where appropriate, in view of regulatory developments with regard to the certification of carbon removals.

---

<sup>46</sup> Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).

Or. en

#### *Justification*

*It is an important priority for the Parliament to work with delegated acts whenever possible*

*because it is easier to intervene for the democratically elected body of Europeans.*

## **Amendment 2**

### **Proposal for a directive**

#### **Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*(13 a) All greenhouse gas emissions captured and transferred for utilisation through CCU processes should ideally be accounted for at the point of release into the atmosphere. However, in the short term, in the absence of all economy-wide greenhouse gas emissions, in particular emissions from waste incineration installations, being covered by carbon pricing mechanisms, reliance on calculations at the point of release into the atmosphere would result in emissions being undercounted. Therefore, for a temporary period, the extent of the obligation to surrender allowances in respect of emissions of greenhouse gases which are considered to have been captured and utilised to become chemically bound in a product should be proportionally reduced taking into account a life-cycle assessment of the product. By 31 December 2030, the Commission should present a report to the European Parliament and to the Council in which it examines the progress made towards the coverage of economy-wide greenhouse gas emissions by carbon pricing mechanisms. If sufficient progress has been made, in particular on the inclusion of greenhouse gas emissions from waste incineration installations, the Commission should, where appropriate, present a legislative proposal to amend this Directive so that the obligation to surrender allowances in respect of*

*emissions of greenhouse gases which are considered to have been captured and utilised arises only at the point of release into the atmosphere.*

Or. en

#### *Justification*

*In addition to the existing exemption for CCS and the proposed exemption for CCU which is permanently chemically bound in a product, the Rapporteur proposes an intermediate category for partial reductions for CCU based on an overall life-cycle assessment of the process and product. In a next step, by 2030, the CCU emission accounting system should be reviewed with the objective to move the counting of emissions to the point of release into the atmosphere, on condition that all relevant economy-wide emissions are adequately covered by carbon pricing to avoid gaps and loopholes.*

### **Amendment 3**

#### **Proposal for a directive Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

*(13 b) Installations should receive allowances in respect of greenhouse gases that are permanently removed from the atmosphere as a result of bio-energy with carbon capture and storage (BECCS) or of greenhouse gases that are captured from the atmosphere through direct air capture and geologically stored or utilised to become permanently chemically bound in a product so that they do not enter the atmosphere under normal use. Installations should be able to sell those allowances or use those allowances to reduce the extent of their remaining surrender obligations.*

Or. en

#### *Justification*

*In addition to the existing exemption for CCS and the proposed exemption for CCU which is permanently chemically bound in a product, the Rapporteur proposes the introduction of a new*

*possibility for negative accounting for BECCS and direct air capture.*

#### **Amendment 4**

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

#### **Recital 13 c (new)**

*Text proposed by the Commission*

*Amendment*

***(13 c) In the long-term, all CO<sub>2</sub> emissions should be covered by the EU-ETS. The inclusion of municipal waste incineration installations would encourage recycling, reuse and repair of products, while also contributing to economy-wide decarbonisation. However, careful preparation is required to avoid large-scale deviation of waste from municipal waste incineration installations towards landfills in the Union, which create methane emissions, and exports to third countries, with a potentially hazardous impact on the environment. Accordingly, the inclusion of municipal waste incineration installations within the scope of Directive 2003/87/EC from 1 January 2028 should be preceded by an impact assessment to be conducted by 31 December 2025, which, where appropriate, should be accompanied by a legislative proposal to prevent any large-scale deviation of waste from municipal waste incineration installations towards landfills in the Union and exports to third countries.***

Or. en

#### *Justification*

*Parliament has repetitively called for all sectors of the economy to contribute to the GHG emission reduction targets. To reach climate neutrality, municipal waste incineration installations should be covered by the EU-ETS in the long-term. 2024 would be too soon due to the risk of diverted waste streams towards landfills and waste exports to third countries. Therefore, the Commission should put in place the necessary legislation to avoid and address*

any such negative effects, before including municipal waste incineration installations under the EU-ETS by 1 January 2028.

## Amendment 5

### Proposal for a directive Recital 14 a (new)

*Text proposed by the Commission*

*Amendment*

***(14 a) International maritime transport is the only means of transportation that has not been included in the Union's commitment to reduce greenhouse gas emissions, despite the fact that the European Parliament has repeatedly called for all sectors of the economy to contribute to the joint effort to complete the transition to net-zero greenhouse gas emissions as soon as possible and by 2050 at the latest, in line with the Union's commitments under the Paris Agreement. CO<sub>2</sub> remains the dominant cause of maritime transport's climate impact when calculated on a global warming-potential 100-year basis, accounting for 98 %, or, if black carbon is included, 91 %, of total international greenhouse gas emissions in CO<sub>2</sub> equivalents. However, according to a report entitled 'Fourth IMO Greenhouse Gas Study' of the International Maritime Organization (IMO), published in 2020, there was an 87 % increase of methane (CH<sub>4</sub>) over the period from 2012 to 2018. Therefore, and in line with the amendments adopted by the European Parliament on 16 September 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2015/757 in order to take appropriate account of the global data collection system for ship fuel oil consumption data, both CO<sub>2</sub> and CH<sub>4</sub> emissions should be included in the***



*Justification*

*Alignment with EP Position on revision of MRV Regulation.*

**Amendment 6**

**Proposal for a directive**

**Recital 17**

*Text proposed by the Commission*

(17) In the European Green Deal, the Commission stated its intention to take additional measures to address greenhouse gas emissions from the maritime transport sector through a basket of measures to enable the Union to reach its emissions reduction targets. In this context, Directive 2003/87/EC should be amended to include the maritime transport sector in the EU ETS in order to ensure this sector contributes to the increased climate objectives of the Union as well as to the objectives of the Paris Agreement, which requires developed countries to take the lead by undertaking economy-wide emission reduction targets, while developing countries are encouraged to move over time towards economy-wide emission reduction or limitation targets.<sup>49</sup> Considering that emissions from international aviation outside Europe should be capped from January 2021 by global market-based action while there is no action in place that caps or prices maritime transport emissions, it is appropriate that the EU ETS covers a share of the emissions from voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a

*Amendment*

(17) In the European Green Deal, the Commission stated its intention to take additional measures to address greenhouse gas emissions from the maritime transport sector through a basket of measures to enable the Union to reach its emissions reduction targets. In this context, Directive 2003/87/EC should be amended to include the maritime transport sector in the EU ETS in order to ensure this sector contributes to the increased climate objectives of the Union as well as to the objectives of the Paris Agreement, which requires developed countries to take the lead by undertaking economy-wide emission reduction targets, while developing countries are encouraged to move over time towards economy-wide emission reduction or limitation targets.<sup>49</sup> Considering that emissions from international aviation outside Europe should be capped from January 2021 by global market-based action while there is no action in place that caps or prices maritime transport emissions, it is appropriate that the EU ETS covers a share of the emissions from voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a

third country, with the third country being able to decide on appropriate action in respect of the other share of emissions. The extension of the EU ETS to the maritime transport sector should thus include half of the emissions from ships performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, emissions from ships performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and emissions at berth in a port under the jurisdiction of a Member State. This approach has been noted as a practical way to solve the issue of Common but Differentiated Responsibilities and Capabilities, which has been a longstanding challenge in the UNFCCC context. The coverage of a share of the emissions from both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of the EU ETS, notably by increasing the environmental impact of the measure compared to a geographical scope limited to voyages within the EU, while limiting the risk of evasive port calls and the risk of delocalisation of transshipment activities outside the Union. To ensure a smooth inclusion of the sector in the EU ETS, the surrendering of allowances by shipping companies should be gradually increased with respect to verified emissions reported for the period 2023 to **2025**. To protect the environmental integrity of the system, to the extent that fewer allowances are surrendered in respect of verified emissions for maritime transport during those years, once the difference between verified emissions and allowances surrendered has

third country, with the third country being able to decide on appropriate action in respect of the other share of emissions. The extension of the EU ETS to the maritime transport sector should thus include half of the emissions from ships performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, emissions from ships performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and emissions at berth in a port under the jurisdiction of a Member State. This approach has been noted as a practical way to solve the issue of Common but Differentiated Responsibilities and Capabilities, which has been a longstanding challenge in the UNFCCC context. The coverage of a share of the emissions from both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of the EU ETS, notably by increasing the environmental impact of the measure compared to a geographical scope limited to voyages within the EU, while limiting the risk of evasive port calls and the risk of delocalisation of transshipment activities outside the Union. To ensure a smooth inclusion of the sector in the EU ETS, the surrendering of allowances by shipping companies should be gradually increased with respect to verified emissions reported for the period 2023 to **2024**. To protect the environmental integrity of the system, to the extent that fewer allowances are surrendered in respect of verified emissions for maritime transport during those years, once the difference between verified emissions and allowances surrendered has

been established each year, a corresponding number of allowances should be cancelled. As from **2026**, shipping companies should surrender the number of allowances corresponding to all of their verified emissions reported in the preceding year.

---

<sup>49</sup> Paris Agreement, Article 4(4).

been established each year, a corresponding number of allowances should be cancelled. As from **2025**, shipping companies should surrender the number of allowances corresponding to all of their verified emissions reported in the preceding year.

---

<sup>49</sup> Paris Agreement, Article 4(4).

Or. en

### *Justification*

*By moving forward the envisaged date of full application of emissions trading for the maritime sector by one year, from 2026 to 2025, around 57 million allowances are made available which would otherwise have been cancelled under the Commission proposal. The Rapporteur proposes to make those additional allowances available towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

## **Amendment 7**

### **Proposal for a directive Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17 a) The Commission, the Council and the European Parliament should work with third countries in order to facilitate acceptance of the provisions of Directive 2003/87/EC as regards maritime transport activities and to strengthen international cooperation in this area. International cooperation should be strengthened through bilateral agreements on market-based measures to reduce greenhouse gas emissions from maritime transport to cover the share of emissions that are not included in the EU ETS, so that one hundred percent (100 %) of the emissions from ships performing voyages between Union and third country ports are covered***

*by such measures. At the same time, the Commission, the Council and the European Parliament should work to strengthen global measures through the IMO.*

Or. en

## Amendment 8

### Proposal for a directive Recital 18

#### *Text proposed by the Commission*

(18) The provisions of Directive 2003/87/EC as regards maritime transport activities should be kept under review in light of future international developments and efforts undertaken to achieve the objectives of the Paris Agreement, including the second global stocktake in 2028, and subsequent global stocktakes every five years thereafter, intended to inform successive nationally determined contributions. In particular, the Commission should report any time before the second global stocktake in 2028 - and therefore no later than by 30 September 2028 - to the European Parliament and to the Council on progress in the IMO negotiations concerning a global market-based measure. In its report, the Commission should analyse the International Maritime Organization instruments and, assess, as relevant, how to implement those instruments in Union law through a revision of Directive 2003/87/EC. In *its report*, the Commission should *include proposals as appropriate*.

#### *Amendment*

(18) The provisions of Directive 2003/87/EC as regards maritime transport activities should be kept under review in light of future international developments and efforts undertaken to achieve the objectives of the Paris Agreement, including the second global stocktake in 2028, and subsequent global stocktakes every five years thereafter, intended to inform successive nationally determined contributions. In particular, the Commission should report any time before the second global stocktake in 2028 - and therefore no later than by 30 September 2028 - to the European Parliament and to the Council on progress in the IMO negotiations concerning a global market-based measure. In its report, the Commission should analyse the International Maritime Organization instruments and, assess, as relevant, how to implement those instruments in Union law through a revision of Directive 2003/87/EC. *In the event that a global market-based measure has been adopted at IMO level leading to greenhouse gas emission reductions which are in line with the Paris Agreement and at least comparable to those resulting from the Union measures*, the Commission should *consider a proportionate reduction of the*

*scope of application of the Union measures to avoid the creation of a double burden. However, in the event that there has been insufficient progress at IMO level or that global measures have been adopted at IMO level which are not in line with the Paris Agreement and at least comparable to those resulting from the Union measures, the Commission should have the option of being able to extend the Union measures to cover one hundred percent (100%) of the emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State and one hundred percent (100%) of the emissions from ships performing voyages departing from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State, through an amendment of Directive 2003/87/EC.*

Or. en

## **Amendment 9**

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

#### *Text proposed by the Commission*

(20) The person or organisation responsible for the compliance with the EU ETS should be the shipping company, defined as the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution

#### *Amendment*

(20) The person or organisation responsible for the compliance with the EU ETS should be the shipping company, defined as the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution

Prevention. This definition is based on the definition of ‘company’ in Article 3, point (d) of Regulation (EU) 2015/757, and in line with the global data collection system established in 2016 by the IMO. ***In line with the polluter pays principle, the shipping company could, by means of a contractual arrangement, hold*** the entity that is ***directly*** responsible for the decisions affecting the CO<sub>2</sub> emissions of the ship accountable for the compliance costs under this Directive. This entity would normally be the entity that is responsible for the choice ***of fuel***, route and speed of the ship.

Prevention. This definition is based on the definition of ‘company’ in Article 3, point (d) of Regulation (EU) 2015/757, and in line with the global data collection system established in 2016 by the IMO. ***However, the shipping company is not always responsible for purchasing the fuel or taking operational decisions that affect the CO<sub>2</sub> emissions of the ship. Those responsibilities can be assumed by an entity other than the shipping company under a contractual arrangement. In that case, in order to ensure that the polluter pays principle is fully respected and to encourage the uptake of efficiency measures and cleaner fuels, a binding clause should be included in such arrangements for the purpose of passing on the costs so that the entity that is ultimately responsible for the decisions affecting the CO<sub>2</sub> emissions of the ship is held accountable for covering the compliance costs paid by the shipping company under this Directive. This entity would normally be the entity that is responsible for the choice and purchasing of the fuel used by the ship, or for the operation of the ship, as regards, for example, the choice of the cargo carried by, or the route and speed of, the ship.***

Or. en

#### *Justification*

*In line with the EP Position on the revision of the MRV Regulation, the commercial operator should be the final responsible for the payment of the EU-ETS price. Because it could be challenging for competent authorities to trace down a commercial operator, especially for such companies based outside the EU because there is no international registry of commercial operators in shipping, the proposed approach ensures that the final responsibility of the commercial operator, by establishing a contractual requirement between the shipowner and commercial operator to pass on the costs.*

## Amendment 10

### Proposal for a directive Recital 20 a (new)

*Text proposed by the Commission*

*Amendment*

***(20 a) The successful transition to zero emission shipping requires an integrated approach and the appropriate enabling environment to stimulate innovation, both on ships and in ports. That enabling environment involves public and private investment in research and innovation, technological and operational measures to improve the energy efficiency of ships and ports, and the deployment of sustainable alternative fuels, such as hydrogen and ammonia, that are produced from renewable energy sources, including through carbon contracts for difference aimed at bridging the price difference between low- and zero-carbon fuels and conventional fuels, and of zero emission propulsion technologies, including the necessary refuelling and recharging infrastructure in ports. An Ocean Fund should be established from revenues generated from the auctioning of allowances in respect of maritime transport activities under the EU ETS to improve the energy efficiency of ships and support investment aimed at facilitating the decarbonisation of maritime transport, including as regards short sea shipping and ports. Considering that revenues generated from penalties raised in Regulation xxxx/xxxx [FuelEU Maritime]<sup>52</sup> are allocated to the Ocean Fund as external assigned revenue in accordance with Article 21(5) of the Financial Regulation, the Commission should ensure that due consideration is given to support for innovative projects aimed at accelerating the development and deployment of renewable and low***

*carbon fuels in the maritime sector, as specified in Article 21(1) of Regulation xxxx/xxxx [FuelEU Maritime]. Certain northern shipping routes are dependent on ice-class ships for winter navigation. Such ships can generate a greater quantity of emissions compared to similar ships for open-seas navigation due to higher fuel consumption when navigating through ice and the higher relative weight of their hull. In order to take into account the specific circumstances of ice-class ships and avoid undercounting actual emissions, support should be provided through the Ocean Fund for innovation and decarbonisation as regards ice-class ships.*

Or. en

## Amendment 11

### Proposal for a directive Recital 28

#### *Text proposed by the Commission*

(28) Achieving the increased climate ambition will require substantial public resources in the EU as well as national budgets to be dedicated to the climate transition. To complement and reinforce the substantial climate-related spending in the EU budget, all auction revenues that are not attributed to the Union budget should be used for climate-related purposes. This includes the use for financial support to address social aspects in lower- and middle-income households by reducing distortive taxes. Further, to address distributional and social effects of the transition in *low-income Member States*, an additional amount of 2,5 % of the Union-wide quantity of allowances from [year of entry into force of the Directive] to 2030 should be used to fund

#### *Amendment*

(28) Achieving the increased climate ambition will require substantial public resources in the EU as well as national budgets to be dedicated to the climate transition. To complement and reinforce the substantial climate-related spending in the EU budget, all auction revenues that are not attributed to the Union budget should be used for climate-related purposes. This includes the use for financial support to address social aspects in lower- and middle-income households by reducing distortive taxes. Further, to address distributional and social effects of the transition in *the most affected territories*, an additional amount of 1,25 % of the Union-wide quantity of allowances from [year of entry into force of the Directive] to 2030 should be used to fund



the energy transition of the *Member States with a gross domestic product (GDP) per capita below 65 % of the Union average in 2016-2018*, through the Modernisation Fund referred to in Article 10d of Directive 2003/87/EC.

the energy transition of the *NUTS level 3 regions, or parts thereof, identified in the territorial just transition plans prepared in accordance with Regulation (EU) 2021/1056 of the European Parliament and of the Council<sup>1a</sup>* through the Modernisation Fund referred to in Article 10d of Directive 2003/87/EC.

---

<sup>1a</sup> *Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ L 231 30.6.2021, p. 1).*

Or. en

## Amendment 12

### Proposal for a directive Recital 28 a (new)

*Text proposed by the Commission*

*Amendment*

*(28 a) Since 2013, electricity producers have been obliged to purchase all the allowances they need to generate electricity. However, some Member States have retained the option of being able to continue to provide transitional free allocation for the modernisation of the energy sector in the periods from 2013 to 2020 and from 2021 to 2030. For the period from 2021 to 2030, only three Member States would continue to have that option. However, in its Special Report 18/2020 entitled ‘The EU’s Emissions Trading System: free allocation of allowances needed better targeting’, the European Court of Auditors found that that transitional free allocation did not contribute to the reduction of carbon intensity in the energy sector for countries eligible for such free allocation of allowances in the period from 2013 to*

*2020. Given the need for rapid decarbonisation, especially in the energy sector, and the limited effectiveness of that transitional free allocation, the option of transitional free allocation for the modernisation of the energy sector no longer seems fit for purpose. Therefore, that option should cease to be available and any allowances resulting from the exercise of that option which have not been allocated to operators in the Member States concerned by 31 December 2023 should be added to the total quantity of allowances that the Member State concerned receives for auctioning, or should be used to support investments within the framework of the Modernisation Fund.*

Or. en

### Amendment 13

#### Proposal for a directive Recital 29

##### *Text proposed by the Commission*

(29) Further incentives to reduce greenhouse gas emissions by using cost-efficient techniques should be provided. To that end, *the* free allocation of emission allowances *to stationary installations* from 2026 onwards should *be conditional on investments in techniques to increase energy efficiency and reduce emissions. Ensuring that this is focused on larger energy users would result in a substantial reduction in burden for businesses with lower energy use, which may be owned by small and medium sized enterprises or micro-enterprises. [Reference to be confirmed with the revised EED].* The relevant *delegated acts* should *be adjusted accordingly*.

##### *Amendment*

(29) Further incentives to reduce greenhouse gas emissions by using cost-efficient techniques should be provided. To that end, *a bonus-malus system should be introduced for determining the share of free allocation. For installations whose greenhouse gas emissions are above the relevant benchmark values, the amount of free allocation of emission allowances from 2026 onwards should vary according to the implementation of a duly established climate-neutrality plan. Conversely, installations whose greenhouse gas emissions are below the relevant benchmark values should receive an incentive in the form of an additional free allocation.*

## Amendment 14

### Proposal for a directive

#### Recital 30

##### *Text proposed by the Commission*

(30) The Carbon Border Adjustment Mechanism (CBAM), established under Regulation (EU) [.../..] of the European Parliament and of the Council<sup>51</sup>, is an alternative to free allocation to address the risk of carbon leakage. To the extent that sectors and subsectors are covered by that measure, they should not receive free allocation. However, a transitional phasing-out of free allowances is needed to allow producers, importers and traders to adjust to the new regime. The reduction of free allocation should be implemented by applying a factor to free allocation for CBAM sectors, while the CBAM is phased in. This percentage (CBAM factor) should be equal to 100 % during the transitional period between the entry into force of [CBAM Regulation] and 2025, 90 % in 2026 and should be reduced by 10 percentage points each year to reach 0 % and thereby eliminate free allocation by the tenth year. The relevant delegated acts on free allocation should be adjusted accordingly for the sectors and subsectors covered by the CBAM. ***The free allocation no longer provided to the CBAM sectors based on this calculation (CBAM demand) must be auctioned and the revenues will accrue to the Innovation Fund, so as to support innovation in low carbon technologies, carbon capture and utilisation ('CCU'), carbon capture and geological storage ('CCS'), renewable energy and energy storage, in a way that contributes to mitigating climate change.***

##### *Amendment*

(30) The Carbon Border Adjustment Mechanism (CBAM), established under Regulation (EU) [.../..] of the European Parliament and of the Council<sup>51</sup>, is an alternative to free allocation to address the risk of carbon leakage. To the extent that sectors and subsectors are covered by that measure, they should not receive free allocation. However, a transitional phasing-out of free allowances, ***combined with a reserve and review mechanism***, is needed to allow producers, importers and traders to adjust to the new regime ***and to assess the effective implementation of the CBAM***. The reduction of free allocation should be implemented by applying a factor to free allocation for CBAM sectors, while the CBAM is phased in. This percentage (CBAM factor) should be equal to 100 % during the transitional period between the entry into force of [CBAM Regulation] and 2025, 90 % in 2026 and should be reduced by 10 percentage points each year to reach 0 % and thereby eliminate free allocation by the tenth year. The relevant delegated acts on free allocation should be adjusted accordingly for the sectors and subsectors covered by the CBAM. ***This phase-out of free allocation should be kept under review in light of the entry into force and effective implementation of the Carbon Border Adjustment Mechanism.*** To respect the proportion of the free allocation available for the non-CBAM sectors, the final amount to deduct from the free allocation

**Special attention** should be **given to projects in CBAM sectors**. To respect the proportion of the free allocation available for the non-CBAM sectors, the final amount to deduct from the free allocation and to be auctioned should be calculated based on the proportion that the CBAM demand represents in respect of the free allocation needs of all sectors receiving free allocation.

---

<sup>51</sup> [please insert full OJ reference]

and to be auctioned should be calculated based on the proportion that the CBAM demand represents in respect of the free allocation needs of all sectors receiving free allocation.

---

<sup>51</sup> [please insert full OJ reference]

Or. en

## Amendment 15

### Proposal for a directive Recital 30 a (new)

*Text proposed by the Commission*

*Amendment*

***(30 a) A temporary Carbon Leakage Protection Reserve should be established, linked to an annual review mechanism to assess the entry into force and effective implementation of the Carbon Border Adjustment Mechanism. Each year, the free allocation no longer provided to the CBAM sectors, based on the free allocation phase-out calculation, should be moved into a temporary reserve. By 28 February of the following year, the Commission should assess and report on the entry into force of the CBAM and its effectiveness during the preceding year, namely whether it ensured an equivalent level of carbon leakage protection. Where the assessment is positive, the allowances in the reserve from the preceding year should automatically be auctioned and the revenues should accrue to the Innovation Fund. Where the assessment is negative, the allowances in the reserve from the preceding year should automatically be***

*released back to industry to fill the carbon leakage protection gap. This should limit any possible gaps in carbon leakage protection should they arise, while avoiding double protection.*

Or. en

## **Amendment 16**

### **Proposal for a directive Recital 31**

#### *Text proposed by the Commission*

(31) In order to better reflect technological progress and adjust the corresponding benchmark values to the relevant period of allocation while ensuring emission reduction incentives and properly rewarding innovation, the maximum adjustment of the benchmark values should be increased from 1,6 % to 2,5 % per year. For the period from 2026 to 2030, the benchmark values should thus be adjusted within a range of 4 % to 50 % compared to the value applicable in the period from 2013 to 2020.

#### *Amendment*

(31) In order to better reflect technological progress and adjust the corresponding benchmark values to the relevant period of allocation while ensuring emission reduction incentives and properly rewarding innovation, the maximum adjustment of the benchmark values should be increased from 1,6 % to 2,5 % per year. For the period from 2026 to 2030, the benchmark values should thus be adjusted within a range of 4 % to 50 % compared to the value applicable in the period from 2013 to 2020. ***The adjusted benchmark values should be published as soon as the necessary information becomes available, in order for those adjusted benchmark values to be applicable from 2026.***

Or. en

## **Amendment 18**

### **Proposal for a directive Recital 43 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

***(43 a) In order to ensure that a level playing field exists and close any remaining gaps between the existing EU ETS and the new emissions trading***

*system, the new emissions trading system should also cover other fuels released for consumption, such as those used for process heating in smaller installations, while avoiding and addressing any double counting. Moreover, such an approach would simplify the implementation, monitoring, reporting and verification of the new emissions trading system for regulated entities.*

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

#### **Amendment 19**

##### **Proposal for a directive Recital 44**

###### *Text proposed by the Commission*

(44) In order to establish the necessary implementation framework and to provide a reasonable timeframe for reaching the 2030 target, emissions trading in the *two* new sectors should start in 2025. During the first year, the regulated entities should be required to hold a greenhouse gas emissions permit and to report their emissions for the years **2024 and 2025**. The issuance of allowances and compliance obligations for these entities should be applicable as from **2026**. This sequencing will allow starting emissions trading in the sectors in an orderly and efficient manner. It would also allow the EU funding and Member State measures to

###### *Amendment*

(44) In order to establish the necessary implementation framework and to provide a reasonable timeframe for reaching the 2030 target, emissions trading in the new sectors should start in 2025. During the first year, the regulated entities should be required to hold a greenhouse gas emissions permit and to report their emissions for the years **2023 and 2024**. The issuance of allowances and compliance obligations for these entities should be applicable as from **2025**. This sequencing will allow starting emissions trading in the sectors in an orderly and efficient manner. It would also allow the EU funding and Member State measures to

be in place to ensure a socially fair introduction of the EU emissions trading into the *two* sectors so as to mitigate the impact of the carbon price on vulnerable households and transport users.

be in place to ensure a socially fair introduction of the EU emissions trading into the *heating and road transport* sectors so as to mitigate the impact of the carbon price on vulnerable households and transport users.

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

#### **Amendment 20**

##### **Proposal for a directive Recital 44 a (new)**

*Text proposed by the Commission*

*Amendment*

***(44 a) A temporary opt-out clause should be introduced giving Member States the possibility to delay the application of emissions trading for fuels released for private road transport and private residential building heating until 2027, on condition that the Member States can demonstrate that they are able to differentiate the monitoring, reporting and verification of fuels released for private road transport and private residential building heating from other activities covered by this Chapter, and that they can reach their 2030 targets under Regulation (EU) 2018/842 without the immediate and full application of emissions trading in those subsectors.***

Or. en

## *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

### **Amendment 21**

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

#### **Recital 48**

##### *Text proposed by the Commission*

(48) The total quantity of allowances for the new emissions trading should follow a linear trajectory to reach the 2030 emissions reduction target, taking into account the cost-efficient contribution of buildings and road transport of 43 % emission reductions by 2030 compared to 2005. The total quantity of allowances should be established for the first time in **2026**, to follow a trajectory starting in 2024 from the value of the 2024 emissions limits (1 109 304 000 CO<sub>2</sub>t), calculated in accordance with Article 4(2) of Regulation (EU) 2018/842 of the European Parliament and of the Council<sup>59</sup> on the basis of the reference emissions for these sectors for the period from 2016 to 2018.

Accordingly, the linear reduction factor should be set at 5,15 %. From 2028, the total quantity of allowances should be set on the basis of the average reported emissions for the years 2024, 2025 and 2026, and should decrease by the same absolute annual reduction as set from 2024, which corresponds to a 5,43 % linear reduction factor compared to the comparable 2025 value of the above defined trajectory. If those emissions are significantly higher than this trajectory

##### *Amendment*

(48) The total quantity of allowances for the new emissions trading should follow a linear trajectory to reach the 2030 emissions reduction target, taking into account the cost-efficient contribution of buildings and road transport of 43 % emission reductions by 2030 compared to 2005. The total quantity of allowances should be established for the first time in **2025**, to follow a trajectory starting in 2024 from the value of the 2024 emissions limits (1 109 304 000 CO<sub>2</sub>t), calculated in accordance with Article 4(2) of Regulation (EU) 2018/842 of the European Parliament and of the Council<sup>59</sup> on the basis of the reference emissions for these sectors for the period from 2016 to 2018.

Accordingly, the linear reduction factor should be set at 5,15 %. From 2028, the total quantity of allowances should be set on the basis of the average reported emissions for the years 2024, 2025 and 2026, and should decrease by the same absolute annual reduction as set from 2024, which corresponds to a 5,43 % linear reduction factor compared to the comparable 2025 value of the above defined trajectory. If those emissions are significantly higher than this trajectory



value and if this divergence is not due to small-scale differences in emission measurement methodologies, the linear reduction factor should be adjusted to reach the required emissions reduction in 2030.

---

<sup>59</sup> Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

value and if this divergence is not due to small-scale differences in emission measurement methodologies, the linear reduction factor should be adjusted to reach the required emissions reduction in 2030.

---

<sup>59</sup> Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## **Amendment 22**

### **Proposal for a directive Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

***(49 a) In order to ensure a level playing field exists for companies in sectors or subsectors which are exposed to a genuine risk of carbon leakage due to significant indirect costs incurred from the extension of the new emissions trading system to fuels released for consumption in sectors other than buildings and road transport, such as***

*process heating in installations not covered by the existing EU ETS, the Commission should assess the need for those sectors or subsectors to be included in the existing carbon leakage protection measures.*

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

#### **Amendment 23**

##### **Proposal for a directive Recital 50**

###### *Text proposed by the Commission*

(50) In order to ensure a smooth start to emissions trading in the buildings and road transport sectors and taking into account the need of the regulated entities to hedge or buy ahead allowances to mitigate their price and liquidity risk, a higher amount of allowances should be auctioned early on. In **2026**, the auction volumes should therefore be 30 % higher than the total quantity of allowances for **2026**. This amount would be sufficient to provide liquidity, both if emissions decrease in line with reduction needs, and in the event emission reductions only materialise progressively. The detailed rules for this front-loading of auction volume are to be established in a delegated act related to auctioning, adopted pursuant to Article 10(4) of Directive 2003/87/EC.

###### *Amendment*

(50) In order to ensure a smooth start to emissions trading in the buildings and road transport sectors and taking into account the need of the regulated entities to hedge or buy ahead allowances to mitigate their price and liquidity risk, a higher amount of allowances should be auctioned early on. In **2025**, the auction volumes should therefore be 30 % higher than the total quantity of allowances for **2025**. This amount would be sufficient to provide liquidity, both if emissions decrease in line with reduction needs, and in the event emission reductions only materialise progressively. The detailed rules for this front-loading of auction volume are to be established in a delegated act related to auctioning, adopted pursuant to Article 10(4) of Directive 2003/87/EC.

Or. en

## Justification

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## Amendment 24

### Proposal for a directive

#### Recital 52

##### *Text proposed by the Commission*

(52) The introduction of the carbon price in road transport and buildings should be accompanied by effective social compensation, especially in view of the already existing levels of energy poverty. About 34 million Europeans reported an inability to keep their homes adequately warm in 2018, and 6,9 % of the Union population have said that they cannot afford to heat their home sufficiently in a 2019 EU-wide survey<sup>60</sup>. To achieve an effective social and distributional compensation, Member States should be required to spend the auction revenues ***on the climate and energy-related purposes already specified for the existing emissions trading, but also for measures added specifically to address related concerns for the new sectors of road transport and buildings, including related policy measures under Directive 2012/27/EU of the European Parliament and of the Council<sup>61</sup>. Auction revenues should be used*** to address social aspects of the emission trading for the new sectors with a specific emphasis in vulnerable households, micro-enterprises and transport users. In this spirit, a new Social Climate Fund will provide dedicated

##### *Amendment*

(52) The introduction of the carbon price in road transport and buildings should be accompanied by effective social compensation, especially in view of the already existing levels of energy poverty. About 34 million Europeans reported an inability to keep their homes adequately warm in 2018, and 6,9 % of the Union population have said that they cannot afford to heat their home sufficiently in a 2019 EU-wide survey<sup>60</sup>. To achieve an effective social and distributional compensation, Member States should be required to spend the auction revenues ***as a priority*** to address social aspects of the emission trading for the new sectors with a specific emphasis in vulnerable households, micro-enterprises and transport users. In this spirit, a new Social Climate Fund will provide dedicated funding to Member States to support the European citizens most affected or at risk of energy or mobility poverty. This Fund will promote fairness and solidarity between and within Member States while mitigating the risk of energy and mobility poverty during the transition. It will build on and complement existing solidarity mechanisms. The resources of the new

funding to Member States to support the European citizens most affected or at risk of energy or mobility poverty. This Fund will promote fairness and solidarity between and within Member States while mitigating the risk of energy and mobility poverty during the transition. It will build on and complement existing solidarity mechanisms. The resources of the new Fund will in principle correspond to 25 % of the expected revenues from new emission trading in the period 2026-2032, and will be implemented on the basis of the Social Climate Plans that Member States should put forward under Regulation (EU) 20.../nn of the European Parliament and the Council<sup>62</sup>. In addition, each Member State should use their auction revenues inter alia to finance a part of the costs of their Social Climate Plans.

Fund will in principle correspond to 25 % of the expected revenues from new emission trading in the period 2026-2032, and will be implemented on the basis of the Social Climate Plans that Member States should put forward under Regulation (EU) 20.../nn of the European Parliament and the Council<sup>62</sup>. In addition, each Member State should use their auction revenues inter alia to finance a part of the costs of their Social Climate Plans.

---

<sup>60</sup> Data from 2018. Eurostat, SILC [ilc\_mdes01].

<sup>61</sup> Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1–56).

<sup>62</sup> [Add ref to the Regulation establishing the Social Climate Fund].

---

<sup>60</sup> Data from 2018. Eurostat, SILC [ilc\_mdes01].

<sup>61</sup> Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1–56).

<sup>62</sup> [Add ref to the Regulation establishing the Social Climate Fund].

Or. en

## Amendment 25

### Proposal for a directive Recital 52 a (new)

*Text proposed by the Commission*

*Amendment*

***(52 a) In order to achieve greater coherence and efficiency in the***

*management and use of Union funds and resources, the Commission should carry out an assessment and, where appropriate, present a legislative proposal in 2030, with the aim of bringing the Innovation Fund, the Modernisation Fund and the Social Climate Fund within the scope of the general budget of the Union and thereby making them subject to the Union's budgetary procedure.*

Or. en

## Amendment 26

### Proposal for a directive Recital 55

#### *Text proposed by the Commission*

(55) Regulated entities covered by the **buildings and road transport** emissions trading should surrender allowances for their verified emissions corresponding to the quantities of fuels they have released for consumption. They should surrender allowances for the first time for their verified emissions in **2026**. In order to minimise the administrative burden, a number of rules applicable to the existing emissions trading system for stationary installations and aviation should be made applicable to emissions trading for buildings and road transport, with the necessary adaptations. This includes, in particular, rules on transfer, surrender and cancellation of allowances, as well as the rules on the validity of allowances, penalties, competent authorities and reporting obligations of Member States.

#### *Amendment*

(55) Regulated entities covered by the **new** emissions trading should surrender allowances for their verified emissions corresponding to the quantities of fuels they have released for consumption. They should surrender allowances for the first time for their verified emissions in **2025**. In order to minimise the administrative burden, a number of rules applicable to the existing emissions trading system for stationary installations and aviation should be made applicable to emissions trading for buildings and road transport, with the necessary adaptations. This includes, in particular, rules on transfer, surrender and cancellation of allowances, as well as the rules on the validity of allowances, penalties, competent authorities and reporting obligations of Member States.

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition,*

*it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## **Amendment 27**

### **Proposal for a directive Recital 56**

#### *Text proposed by the Commission*

(56) For emissions trading ***in the buildings and road transport sectors*** to be effective, it should be possible to monitor emissions with high certainty and at reasonable cost. Emissions should be attributed to regulated entities on the basis of fuel quantities released for consumption and combined with an emission factor. Regulated entities should be able to reliably and accurately identify and differentiate the sectors in which the fuels are released for consumption, as well as the final users of the fuels, in order to avoid undesirable effects, such as double burden. To have sufficient data to establish the total number of allowances for the period from 2028 to 2030, the regulated entities holding a permit at the start of the system in **2025** should report their associated historical emissions for **2024**.

#### *Amendment*

(56) For emissions trading ***for fuels*** to be effective, it should be possible to monitor emissions with high certainty and at reasonable cost. Emissions should be attributed to regulated entities on the basis of fuel quantities released for consumption and combined with an emission factor. Regulated entities should be able to reliably and accurately identify and differentiate the sectors in which the fuels are released for consumption, as well as the final users of the fuels, in order to avoid undesirable effects, such as double burden. To have sufficient data to establish the total number of allowances for the period from 2028 to 2030, the regulated entities holding a permit at the start of the system in **2024** should report their associated historical emissions for **2023**.

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## Amendment 28

### Proposal for a directive Recital 66 a (new)

*Text proposed by the Commission*

*Amendment*

*(66 a) To ensure predictability for operators and avoid disincentivising best-performers and innovation as a result of additional and unforeseen costs, it is crucial to avoid the application of the cross-sectoral correction factor. Therefore, additional allowances should be made available for the avoidance of the correction factor through different mechanisms, including by accelerating the phase-in of emissions trading for the maritime sector by one year and through similar measures related to the phase-out of free allocation for the aviation sector. Any remaining shortages regarding the avoidance of the correction factor should be resolved by using allowances which would otherwise be invalidated from the Market Stability Reserve.*

Or. en

## Amendment 29

### Proposal for a directive Article 1 – paragraph 1 – point 2 – point d Directive 2003/87/EC Article 3 – paragraph 1 – point v

*Text proposed by the Commission*

*Amendment*

(v) ‘shipping company’ means the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed

(v) ‘shipping company’ means the shipowner or any other organisation or person, such as the manager, *the time charterer* or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and

by the International Management Code for the Safe Operation of Ships and for Pollution Prevention, set out in Annex I to Regulation (EC) No 336/2006 of the European Parliament and of the Council(\*);

responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention, set out in Annex I to Regulation (EC) No 336/2006 of the European Parliament and of the Council(\*);

Or. en

#### *Justification*

*In line with the EP Position on the revision of the MRV Regulation, the commercial operator should be the final responsible for the payment of the EU-ETS price. Because it could be challenging for competent authorities to trace down a commercial operator, especially for such companies based outside the EU because there is no international registry of commercial operators in shipping, the proposed approach ensures that the final responsibility of the commercial operator, by establishing a contractual requirement between the shipowner and commercial operator to pass on the costs.*

#### **Amendment 30**

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

##### **Article 1 – paragraph 1 – point 2 – point d**

Directive 2003/87/EC

Article 3 – paragraph 1 – point x

#### *Text proposed by the Commission*

(x) ‘regulated entity’ for the purposes of Chapter IVa shall mean any natural or legal person, ***except for any final consumer of the fuels***, that engages in the activity referred to in Annex III and that falls within one of the following categories:

#### *Amendment*

(x) ‘regulated entity’ for the purposes of Chapter IVa shall mean any natural or legal person that engages in the activity referred to in Annex III and that falls within one of the following categories:

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and*



*residential building heating.*

## **Amendment 31**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point d**

Directive 2003/87/EC

Article 3 – paragraph 1 – point y

#### *Text proposed by the Commission*

(y) ‘fuel’ for the purposes of Chapter IVa shall mean any fuel listed in Table-A and Table-C of Annex I to Directive 2003/96/EC, as well as any other product offered for sale as motor fuel or heating fuel as specified in Article 2(3) of that Directive;

#### *Amendment*

(y) ‘fuel’ for the purposes of Chapter IVa shall mean any fuel listed in Table-A and Table-C of Annex I to Directive 2003/96/EC, as well as any other product ***intended for use***, offered for sale ***or used*** as motor fuel or heating fuel as specified in Article 2(3) of that Directive;

Or. en

#### *Justification*

*As the scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations), it shall be ensured that the definition of 'fuels' concerned does include all relevant activities.*

## **Amendment 32**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 4**

Directive 2003/87/EU

Article 3a

#### *Text proposed by the Commission*

Articles 3b to 3f shall apply to the allocation and issue of allowances in respect of the aviation activities listed in Annex I. Articles 3g to 3ge shall apply in respect of the maritime transport activities listed in Annex I.

#### *Amendment*

Articles 3b to 3f shall apply to the allocation and issue of allowances in respect of the aviation activities listed in Annex I. Articles 3g to 3ge shall apply in respect of the maritime transport activities listed in Annex I.

***The Commission shall, by 31 December***

***2026, assess and report to the European Parliament and the Council on the impact on the global climate of GHG emissions, other than CO<sub>2</sub> and CH<sub>4</sub>, from ships arriving at, within or departing from ports under the jurisdiction of a Member State. That report shall be accompanied, where appropriate, by a legislative proposal to address the question of how to deal with those emissions.***

Or. en

*Justification*

*In addition to CO<sub>2</sub> and CH<sub>4</sub>, there are additional greenhouse gases that have similar or even worse impacts on the climate. Therefore, the Commission shall evaluate this impact and make changes accordingly where appropriate.*

**Amendment 33**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Article 3ga – paragraph 1 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) **20** % of verified emissions reported for 2023;

*Amendment*

(a) **33,3** % of verified emissions reported for 2023;

Or. en

*Justification*

*By moving forward the envisaged date of full application of emissions trading for the maritime sector by one year, from 2026 to 2025, around 57 million allowances are made available which would otherwise have been cancelled under the Commission proposal. The Rapporteur proposes to make those additional allowances available towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

## Amendment 34

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) **45** % of verified emissions reported for 2024;

(b) **66,6** % of verified emissions reported for 2024;

Or. en

#### *Justification*

*By moving forward the envisaged date of full application of emissions trading for the maritime sector by one year, from 2026 to 2025, around 57 million allowances are made available which would otherwise have been cancelled under the Commission proposal. The Rapporteur proposes to make those additional allowances available towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

## Amendment 35

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – subparagraph 1 – point c

*Text proposed by the Commission*

*Amendment*

(c) **70** % of verified emissions reported for 2025;

(c) **100** % of verified emissions reported for 2025 **and each year thereafter.**

Or. en

#### *Justification*

*By moving forward the envisaged date of full application of emissions trading for the maritime sector by one year, from 2026 to 2025, around 57 million allowances are made available which would otherwise have been cancelled under the Commission proposal. The Rapporteur proposes to make those additional allowances available towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

## Amendment 36

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – subparagraph 1 – point d

*Text proposed by the Commission*

*(d) 100 % of verified emissions reported for 2026 and each year thereafter.*

*deleted*

*Amendment*

Or. en

*Justification*

*By moving forward the envisaged date of full application of emissions trading for the maritime sector by one year, from 2026 to 2025, around 57 million allowances are made available which would otherwise have been cancelled under the Commission proposal. The Rapporteur proposes to make those additional allowances available towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

## Amendment 37

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 2

*Text proposed by the Commission*

To the extent that fewer allowances are surrendered compared to the verified emissions from maritime transport for the years 2023, **2024 and 2025**, once the difference between verified emissions and allowances surrendered has been established in respect of each year, a corresponding quantity of allowances shall be cancelled rather than auctioned pursuant to Article 10.

*Amendment*

To the extent that fewer allowances are surrendered compared to the verified emissions from maritime transport for the years 2023 **and 2024**, once the difference between verified emissions and allowances surrendered has been established in respect of each year, a corresponding quantity of allowances shall be cancelled rather than auctioned pursuant to Article 10.

*By way of derogation from the second paragraph of this Article, 57 million allowances [the difference between the phase-in requirements set out in the first paragraph and the phase-in proposed by the Commission (20% in 2023, 45% in 2024, 70% in 2025)] shall only be auctioned after the application of Article 10a(5ba), to the extent such allowances are still available.*

Or. en

#### *Justification*

*By moving forward the envisaged date of full application of emissions trading for the maritime sector by one year, from 2026 to 2025, around 57 million allowances are made available which would otherwise have been cancelled under the Commission proposal. The Rapporteur proposes to make those additional allowances available towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

#### **Amendment 38**

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

##### **Article 1 – paragraph 1 – point 6**

Directive 2003/87/EF

Article 3gd a (new)

*Text proposed by the Commission*

*Amendment*

##### **Article 3gda**

##### **Contractual arrangements**

*Where the ultimate responsibility for the purchase of the fuel or the operation of the ship is assumed, pursuant to a contractual arrangement, by an entity other than the shipping company, Member States shall ensure that that entity is responsible under the contractual arrangement for covering the costs arising from the implementation of this Directive.*

*For the purposes of this Article,*

***‘operation of the ship’ means determining the cargo carried by, or the route and speed of, the ship.***

Or. en

#### *Justification*

*In line with the EP Position on the revision of the MRV Regulation, the commercial operator should be the final responsible for the payment of the EU-ETS price. Because it could be challenging for competent authorities to trace down a commercial operator, especially for such companies based outside the EU because there is no international registry of commercial operators in shipping, the proposed approach ensures that the final responsibility of the commercial operator, by establishing a contractual requirement between the shipowner and commercial operator to pass on the costs.*

#### **Amendment 39**

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

##### **Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Article 3gd b (new)

*Text proposed by the Commission*

*Amendment*

##### ***Article 3gdb***

##### ***Ocean Fund***

***1. A fund (‘the Ocean Fund’) shall be established for the period from ... [the year of the start of auctioning of allowances in the maritime sector under this Directive] to 2030 with the objective of supporting projects and investments referred to in paragraph 3. At least 75% of the revenues generated from the auctioning of allowances referred to in Article 3g shall be used through the Ocean Fund. Furthermore, the external assigned revenues referred to in Article 21(2) of Regulation (EU) [FuelEU Maritime] shall be allocated to the Ocean Fund and implemented in line with this paragraph.***

***2. The Ocean Fund shall be managed***

*centrally through a Union body and the governance structure of the Ocean Fund shall be similar to the governance structure of the Innovation Fund established under Article 10a(8). The Ocean Fund's governance structure and decision making process shall be transparent and inclusive, in particular in relation to the setting of priority areas, criteria and grant allocation procedures. Relevant stakeholders shall have an appropriate consultative role. All information on the projects and investments supported by the Ocean Fund and all other relevant information on the functioning of the Ocean Fund shall be made available to the public.*

*3. Funds provided under the Ocean Fund shall be used to support projects and investments in relation to the following:*

*(a) improvement of the energy efficiency of ships and ports;*

*(b) innovative technologies and infrastructure for decarbonising the maritime transport sector, including as regards short sea shipping and ports;*

*(c) deployment of sustainable alternative fuels, such as hydrogen and ammonia, that are produced from renewable energy, including through carbon contracts for difference aimed at bridging the price difference between low- and zero-carbon fuels and conventional fuels;*

*(d) zero-emission propulsion technologies, including wind technologies;*

*(e) development of innovative technologies and fuels for ice-class ships and winter navigation in frozen areas.*

*All investment supported by the Ocean Fund shall be made public and shall be consistent with the aims of this Directive.*

*5. The Commission shall engage with*

*third countries with regard to exploring options as to how they could also make use of the Ocean Fund.*

*6. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the implementation of this Article.*

Or. en

*Justification*

*Under the MRV regulation the European Parliament called for a dedicated “Ocean Fund” to support innovation in the shipping industry. In addition, certain northern shipping routes are dependent on ice-class ships for winter navigation, which may generate additional emissions due to higher fuel consumption. To take this situation into account, specific support should be provided for the innovation and decarbonisation of ice-class ships through the Innovation Fund.*

**Amendment 40**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Article 3gd c (new)

*Text proposed by the Commission*

*Amendment*

**Article 3gdc**

***Cooperation with third countries and international organisations***

***1. The Commission shall engage with third countries with the aim of establishing bilateral agreements on market-based measures to reduce greenhouse gas emissions from maritime transport covering one hundred percent (100 %) of the emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port under the jurisdiction of one of those third countries and one hundred percent (100 %) of the emissions from ships performing voyage***



*departing from a port under the jurisdiction of one of those third countries and arriving at a port under the jurisdiction of a Member State.*

*2. The Commission shall engage with the International Maritime Organization (IMO) with the aim of strengthening the global market-based measure to reduce greenhouse gas emissions in line with the Paris Agreement and to at least a level comparable to that resulting from the Union measures taken under this Chapter for the voyages referred to in paragraph 1.*

Or. en

#### *Justification*

*As only 50% of extra-EU voyages are covered under the proposed Maritime ETS, the rapporteur proposes that the Commission and Member States should foster the cooperation with third countries to accept the scope of the EU-ETS and work on international cooperations to finally cover 100% of extra-EU voyages.*

#### **Amendment 41**

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

##### **Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Article 3ge – paragraph 1

#### *Text proposed by the Commission*

1. The Commission shall ***consider possible amendments in relation to*** the adoption by the International Maritime Organization of a global market-based measure to reduce greenhouse gas emissions from maritime transport. ***In the event of the adoption of such a measure,*** and in any event before the 2028 global stocktake and no later than 30 September 2028, the Commission shall present a report to the European Parliament and to the Council in which it shall examine any

#### *Amendment*

1. The Commission shall ***continuously monitor progress made through the IMO. In the event of*** the adoption by the International Maritime Organization of a global market-based measure to reduce greenhouse gas emissions from maritime transport and in any event before the 2028 global stocktake and no later than 30 September 2028 the Commission shall present a report to the European Parliament and to the Council in which it shall examine any such measure.

such measure. Where appropriate, the Commission *may follow to* the report with a legislative proposal to *the European Parliament and to the Council to* amend this Directive *as appropriate*.

Where appropriate, the Commission *shall accompany* the report with a legislative proposal to amend this Directive:

*(a) to ensure a proportionate reduction of the scope of application of the Union measures taken under this Chapter in the event of the adoption of a global market-based measure leading to a reduction of greenhouse gas emissions from maritime transport in line with the Paris Agreement and at least comparable to that resulting from the Union measures taken under this Chapter for the voyages referred to in Article 3gdc, paragraph 1;*

*(b) to cover one hundred percent (100%) of the emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State and one hundred percent (100%) of the emissions from ships performing voyages departing from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State in the absence of a global market-based measure or in the event of the adoption of a global market-based measure not leading to a reduction of greenhouse gas emissions from maritime transport in line with the Paris Agreement and at least comparable to that resulting from the Union measures taken under this Chapter for the voyages referred to in Article 3gdc, paragraph 1.*

Or. en

#### *Justification*

*Although a global measure would be the preferred option, progress at IMO level is disappointing. Should such a measure be adopted at the IMO and be at least as ambitious as the proposed EU ETS for shipping, the Commission should consider decreasing its scope. On the other hand, the Commission should consider the extension of the scope of the EU ETS for*

*shipping to 100% if there has not been enough progress at IMO level.*

## **Amendment 42**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 7**

Directive 2003/87/EC

Article 3h – paragraph 1 a (new)

#### *Text proposed by the Commission*

The provisions of this Chapter shall apply to greenhouse gas emissions permits and the allocation and issue of allowances in respect of activities listed in Annex I other than aviation and maritime transport activities.;

#### *Amendment*

The provisions of this Chapter shall apply to greenhouse gas emissions permits and the allocation and issue of allowances in respect of activities listed in Annex I other than aviation and maritime transport activities.;

***From 1 January 2028, the provisions of this Chapter shall apply to greenhouse gas emissions permits and the allocation and issue of allowances in respect of municipal waste incineration installations. In this respect, the Commission shall, by 31 December 2025, present a report to the European Parliament and to the Council in which it shall examine the possible impacts of the inclusion of municipal waste incineration installations in the EU ETS on the disposal of waste by landfilling in the Union and waste exports to third countries. The Commission shall, where appropriate, accompany that report with a legislative proposal to prevent those impacts.***

Or. en

#### *Justification*

*Parliament has repetitively called for all sectors of the economy to contribute to the GHG emission reduction targets. To reach climate neutrality, municipal waste incineration installations should be covered by the EU-ETS in the long-term. This should not happen too soon due to the risk of diverted waste streams towards landfills and waste exports to third countries. Therefore, the Commission should put in place the necessary legislation to avoid and address*

*any such negative effects, before including municipal waste incineration installations under the EU-ETS by 1 January 2028.*

#### **Amendment 43**

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

##### **Article 1 – paragraph 1 – point 10**

Directive 2003/87/EC

Article 9 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***From 1 January 2028, the Union-wide quantity of allowances shall be increased as a result of the inclusion of municipal waste incineration installations in the EU ETS. The Commission shall adopt implementing acts setting out the amount of the increase in the Union-wide quantity of allowances to take into account the inclusion of municipal waste incineration installations in the EU ETS. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).***

Or. en

*Justification*

*Parliament has repetitively called for all sectors of the economy to contribute to the GHG emission reduction targets. To reach climate neutrality, municipal waste incineration installations should be covered by the EU-ETS in the long-term. 2024 would be too soon due to the risk of diverted waste streams towards landfills and waste exports to third countries. Therefore, the Commission should put in place the necessary legislation to avoid and address any such negative effects, before including municipal waste incineration installations under the EU-ETS by 1 January 2028.*

#### **Amendment 44**

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

##### **Article 1 – paragraph 1 – point 11 – point a**

Directive 2003/87/EC

Article 10 – paragraph 1 – subparagraph 4

*Text proposed by the Commission*

In addition, **2,5 %** of the total quantity of allowances between [year following the entry into force of the Directive] and 2030 shall be auctioned for the Modernisation Fund. ***The beneficiary Member States for this amount*** of allowances shall be ***the Member States with a GDP per capita at market prices below 65 % of the Union average during the period 2016 to 2018.*** ***The funds corresponding to this quantity*** of allowances shall be distributed in accordance with ***Part B of Annex IIb.***

*Amendment*

In addition, ***1,25 %*** of the total quantity of allowances between ... [year following the entry into force of the Directive] and 2030 shall be auctioned for the Modernisation Fund. ***That percentage*** of allowances shall be ***used to fund investments in the NUTS level 3 regions, or parts thereof, identified in the territorial just transition plans prepared in accordance with Article 11 of Regulation (EU) 2021/1056 of the European Parliament and of the Council\****. ***The revenues generated from the auctioning of that percentage*** of allowances shall be distributed ***to Member States*** in accordance with ***Annex I to Regulation (EU) 2021/1056.***

***In addition, 1,25% of the total quantity of allowances between ... [year following the entry into force of the Directive] and 2030 shall be made available for the Innovation Fund established under Article 10a(8).***

---

***\* Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ L 231 30.6.2021, p. 1).***

Or. en

## **Amendment 45**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 12 – point a – point i**

Directive 2003/87/EC

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

*Text proposed by the Commission*

In the case of installations ***covered by the obligation to conduct an energy audit under Article 8(4) of Directive***

*Amendment*

***By 1 January 2026, operators shall establish a climate-neutrality plan for installations. That plan shall be consistent***

*2012/27/EU of the European Parliament and of the Council(\*) [Article reference to be updated with the revised Directive], free allocation shall only be granted fully if the recommendations of the audit report are implemented, to the extent that the pay-back time for the relevant investments does not exceed five years and that the costs of those investments are proportionate. Otherwise, the amount of free allocation shall be reduced by 25 %. The amount of free allocation shall not be reduced if an operator demonstrates that it has implemented other measures which lead to greenhouse gas emission reductions equivalent to those recommended by the audit report. The measures referred to in the first subparagraph shall be adjusted accordingly.*

*with the climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119 and any relevant sectoral roadmaps prepared in accordance with Article 10 of that Regulation and shall set out:*

*(a) measures and investments to reach climate-neutrality by 2050 at installation or company-level;*

*(b) intermediate targets and milestones to measure, by 31 December 2025 and by 31 December of each fifth year thereafter until 2050, progress made towards reaching climate-neutrality as set out in point (a);*

*(c) an estimate of the impact of each of the measures and investments referred to in point (a) as regards the reduction of greenhouse gas emissions.*

*Member States may provide financial support towards the implementation of the climate-neutrality plans referred to in the third subparagraph. Such support shall not be qualified as illegal state aid.*

*The attainment of the targets and milestones referred to in point (b) of the third subparagraph shall be verified by 31 December 2025 and by 31 December of each fifth year thereafter until 2050 in accordance with the verification and*

**accreditation procedures provided for in Article 15.**

**In the case of installations whose greenhouse gas emission levels are above the average of the 10 % most efficient installations in a sector or subsector in the Union in the years 2021 and 2022 for the relevant product benchmarks, free allocation shall be reduced by 25 % if no climate-neutrality plan has been established or if the milestones and targets in the installation's climate-neutrality plan have not been attained.** The measures referred to in the first subparagraph shall be adjusted accordingly.

**An additional free allocation of 10 % of the applicable benchmark value shall be given to installations whose greenhouse gas emission levels are below the average of the 10 % most efficient installations in a sector or subsector in the Union in the years 2021 and 2022 for the relevant product benchmarks.**

**For the purpose of the additional free allocation referred to in the seventh subparagraph of this paragraph, the following allowances shall be used:**

**(a) any allowances that are not allocated due to a reduction of free allocation by 25 % in accordance with the sixth subparagraph of this paragraph;**

**(b) by way of derogation from Article 1(5a) of Decision (EU) 2015/1814 and to the extent necessary, allowances which would otherwise be invalidated in accordance with that Article.**

Or. en

#### *Justification*

*The Rapporteur proposes a bonus-malus system to further incentivise decarbonisation. Installations above the benchmark, which take no steps towards decarbonisation, should no longer benefit from the same amount of free allocation. On the other hand, a share of best-*

performers below the benchmark should be able to receive a bonus in free allocation.

## Amendment 46

### Proposal for a directive

#### Article 1 – paragraph 1 – point 12 – point a – point ii

Directive 2003/87/EC

Article 10a – paragraph 1 – subparagraph 5

#### *Text proposed by the Commission*

In order to provide further incentives for reducing greenhouse gas emissions and improving energy efficiency, the determined Union-wide ex-ante benchmarks shall be reviewed before the period from 2026 to 2030 in view of potentially modifying the definitions and system boundaries of existing product benchmarks.;

#### *Amendment*

In order to provide further incentives for reducing greenhouse gas emissions and improving energy efficiency, the determined Union-wide ex-ante benchmarks shall be reviewed before the period from 2026 to 2030 in view of potentially modifying the definitions and system boundaries of existing product benchmarks. ***The benchmark values resulting from that review shall be published as soon as the necessary information becomes available, in order for the updates to apply as of 2026.;***

Or. en

#### *Justification*

*A timely update of the benchmarks shall be ensured*

## Amendment 47

### Proposal for a directive

#### Article 1 – paragraph 1 – point 12 – point b

Directive 2003/87/EC

Article 10 – paragraph 1a – subparagraph 2

#### *Text proposed by the Commission*

By way of derogation from the ***previous*** subparagraph, for the first years of operation of Regulation [CBAM], the production of ***these*** products shall benefit

#### *Amendment*

By way of derogation from the ***first*** subparagraph, for the first years of operation of Regulation [CBAM], the production of products ***listed in Annex I to***



from free allocation in reduced amounts. A factor reducing the free allocation for the production of *these* products shall be applied (CBAM factor). The CBAM factor shall be equal to 100 % for the period *during the* entry into force of [CBAM regulation] and the end of 2025, 90 % in 2026 and shall be reduced by 10 percentage points each year to reach 0 % by the tenth year.

*that Regulation* shall benefit from free allocation in reduced amounts. A factor reducing the free allocation for the production of *those* products shall be applied (CBAM factor). The CBAM factor shall be equal to 100 % for the period *between ... [the date of* entry into force of [CBAM regulation]] and the end of 2025, *shall be* 90 % in 2026 and shall be reduced by 10 percentage points each year to reach 0 % by the tenth year.

Or. en

#### *Justification*

*The phase out of free allocation should be kept under review in light of the actual entry into force and effectiveness of the Carbon Border Adjustment Mechanism. Therefore, the Rapporteur proposes a temporary CBAM reserve linked to a rolling review mechanism, to avoid double protection while enabling quick reactions in case any unforeseen gaps in carbon leakage protection would arise. Any corresponding gaps in the Innovation Fund are compensated through other provisions in this draft report.*

#### **Amendment 48**

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

##### **Article 1 – paragraph 1 – point 12 – point b**

Directive 2003/87/EC

Article 10 – paragraph 1a – subparagraph 4

*Text proposed by the Commission*

*Amendment*

*Allowances resulting from the reduction of free allocation shall be made available to support innovation in accordance with Article 10a(8).;*

*deleted*

Or. en

#### *Justification*

*As a CBAM reserve is established for these allowances, this subparagraph is deleted.*

## Amendment 49

### Proposal for a directive

#### Article 1 – paragraph 1 – point 12 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(b a) the following paragraphs are inserted:***

***1b. For each year in the period from 2026 to 2035, the allowances resulting from the reduction of free allocation in accordance with paragraph 1a shall be placed in a Carbon Leakage Protection Reserve.***

***By 28 February 2026 and by 28 February of each subsequent year in the period referred to in the first subparagraph, the Commission shall present a report to the European Parliament and to the Council on the implementation of the Carbon Border Adjustment Mechanism during the calendar year preceding that of the report. In its report, the Commission shall, in particular, assess if the Carbon Border Adjustment Mechanism has entered into force and has been effectively implemented in a way leading to a level of carbon leakage protection that is equivalent to that of the free allocation system which it replaces under this Article.***

***In the event that the Commission in its report concludes that, in the calendar year preceding that of the report, the Carbon Border Adjustment Mechanism has been effectively implemented in a way that leads to a level of carbon leakage protection at least equivalent to that of the free allocation system which it replaces under this Article, the allowances placed in the Carbon Border Adjustment Reserve for the preceding calendar year shall be made available to support innovation in accordance with Article 10a(8).***

*In the event that the Commission in its report concludes that, in the calendar year preceding that of the report, the Carbon Border Adjustment Mechanism has not been effectively implemented in a way that leads to a level of carbon leakage protection at least equivalent to that of the free allocation system which it replaces under this Article, the allowances placed in the Carbon Border Adjustment Reserve for the preceding calendar year shall be reallocated to installations in accordance with Article 10a(1).*

*1c. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the Carbon Border Adjustment Reserve provided for in paragraph 1b of this Article, including the criteria to be used for the assessment referred to in the second subparagraph of that paragraph, and the modalities for the reallocation of allowances from the Carbon Border Adjustment Reserve to installations referred to in the fourth subparagraph of that paragraph.*

Or. en

#### *Justification*

*The phase out of free allocation should be kept under review in light of the actual entry into force and effectiveness of the Carbon Border Adjustment Mechanism. Therefore, the Rapporteur proposes a temporary CBAM reserve linked to a rolling review mechanism, to avoid double protection while enabling quick reactions in case any unforeseen gaps in carbon leakage protection would arise. Any corresponding gaps in the Innovation Fund are compensated through other provisions in this draft report.*

#### **Amendment 50**

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

##### **Article 1 – paragraph 1 – point 12 – point d a (new)**

Directive 2003/87/EC

Article 10a – paragraph 5b a (new)

*Text proposed by the Commission*

*Amendment*

*(d a) the following paragraph is inserted:*

*5ba. By way of derogation from Article 3ga and from paragraph 5 of this Article, allowances which would otherwise be auctioned pursuant to Article 3ga, third paragraph, shall, to the extent necessary, be used to increase the maximum amount available up to 2030 under paragraph 5 of this Article.*

Or. en

*Justification*

*By moving forward the envisaged date of full application of emissions trading for the maritime sector by one year, from 2026 to 2025, around 57 million allowances are made available which would otherwise have been cancelled under the Commission proposal. The Rapporteur proposes to make those additional allowances available towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

## **Amendment 51**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 12 – point d b (new)**

Directive 2003/87/EC

Article 10a – paragraph 5b b (new)

*Text proposed by the Commission*

*Amendment*

*(d b) the following paragraph is inserted:*

*5bb. By way of derogation from Article 3d and from paragraph 5 of this Article, allowances which would otherwise be auctioned pursuant to Article 3d, paragraphs 1 to 1c, shall, to the extent necessary, be used to increase the maximum amount available up to 2030 under paragraph 5 of this Article.*

*Justification*

*By accelerating the phase-out of free allocation for the aviation sector by one year, from 2027 to 2026, around 12 million allowances are made available which would be auctioned in addition to the Commission proposal. The Rapporteur proposes to make these additional allowances available instead towards the avoidance of the Cross-Sectoral Correction Factor. For this purpose, around 120 million allowances would be required in total until 2030.*

**Amendment 52****Proposal for a directive****Article 1 – paragraph 1 – point 12 – point d c (new)**

Directive 2003/87/EC

Article 10a – paragraph 5b c (new)

*Text proposed by the Commission**Amendment*

***(d c) the following paragraph is inserted:***

***5bc. By way of derogation from Article 1(5aa) of Decision (EU) 2015/1814 and from paragraph 5 of this Article, allowances which would otherwise be invalidated pursuant to Article 1(5a) of that Decision shall, to the extent necessary, be used to increase the maximum amount available up to 2030 under paragraph 5 of this Article after the application of Article 10a(5ba) and (5bb) of this Article.***

Or. en

*Justification*

*To avoid the application of the Cross-Sectoral Correction Factor under the Commission proposal, around 120 million allowances would be required until 2030. For this purpose, the Rapporteur proposes to use, stepwise, first moving forward the envisaged date of full application of the ETS for shipping by one year. Second, accelerating the phase-out of free allocation for the aviation sector by one year. Third and finally, as a variable back-up to the extent necessary after the other means have been used, a share of MSR allowances which would otherwise be invalidated.*

## Amendment 53

### Proposal for a directive

#### Article 1 – paragraph 1 – point 12 – point g

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 1

#### *Text proposed by the Commission*

8. 365 million allowances from the quantity which could otherwise be allocated for free pursuant to this Article, and 85 million allowances from the quantity which could otherwise be auctioned pursuant to Article 10, as well as the allowances resulting from the reduction of free allocation *referred to in* Article 10a(1a), shall be made available to a Fund with the objective of supporting innovation in low-carbon technologies and processes, and contribute to zero pollution objectives (the ‘Innovation Fund’). Allowances that are not issued to aircraft operators due to the closure of aircraft operators and which are not necessary to cover any shortfall in surrenders by those operators, shall also be used for innovation support as referred to in the first subparagraph.

#### *Amendment*

8. 365 million allowances from the quantity which could otherwise be allocated for free pursuant to this Article, and **269** million allowances from the quantity which could otherwise be auctioned pursuant to Article 10, as well as the allowances *referred to in Article 10(1), fifth subparagraph, and any allowances* resulting from the reduction of free allocation *and released from the Carbon Leakage Protection Reserve pursuant to Article 10a(1b), third subparagraph*, shall be made available to a Fund with the objective of supporting innovation in low-carbon technologies and processes, and contribute to zero pollution objectives (the ‘Innovation Fund’). Allowances that are not issued to aircraft operators due to the closure of aircraft operators and which are not necessary to cover any shortfall in surrenders by those operators, shall also be used for innovation support as referred to in the first subparagraph.

Or. en

#### *Justification*

*In order to guarantee at least an equivalent top-up of 280 million allowances for the Innovation Fund up to 2030 as proposed by the Commission, while ensuring effective carbon leakage protection through the creation of a CBAM reserve, the Rapporteur proposes to transfer 50% of the proposed Modernisation Fund top-up to projects under the Innovation Fund, corresponding to around 97 million allowances, together with an increase by 184 million in the amount of allowances auctioned for the Innovation Fund that would otherwise be auctioned by the Member States.*

## Amendment 54

### Proposal for a directive

#### Article 1 – paragraph 1 – point 12 – point g

Directive 2003/87/EG

Article 10a – paragraph 8 – subparagraph 1

#### *Text proposed by the Commission*

8. 365 million allowances from the quantity which could otherwise be allocated for free pursuant to this Article, and 85 million allowances from the quantity which could otherwise be auctioned pursuant to Article 10, as well as the allowances resulting from the reduction of free allocation referred to in Article 10a(1a), shall be made available to a Fund with the objective of supporting innovation in low-carbon technologies and processes, and contribute to zero pollution objectives (the ‘Innovation Fund’). Allowances that are not issued to aircraft operators due to the closure of aircraft operators and which are not necessary to cover any shortfall in surrenders by those operators, shall also be used for innovation support as referred to in the first subparagraph.

#### *Amendment*

8. 365 million allowances from the quantity which could otherwise be allocated for free pursuant to this Article, and 85 million allowances from the quantity which could otherwise be auctioned pursuant to Article 10, ***from which are to be deducted the allowances used for the Ocean Fund established under Article 3gdb***, as well as the allowances resulting from the reduction of free allocation referred to in Article 10a(1a), shall be made available to a Fund with the objective of supporting innovation in low-carbon technologies and processes, and contribute to zero pollution objectives (the ‘Innovation Fund’). Allowances that are not issued to aircraft operators due to the closure of aircraft operators and which are not necessary to cover any shortfall in surrenders by those operators, shall also be used for innovation support as referred to in the first subparagraph.

Or. en

## Amendment 56

### Proposal for a directive

#### Article 1 – paragraph 1 – point 12 – point g

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 2

#### *Text proposed by the Commission*

In addition, 50 million unallocated

#### *Amendment*

In addition, 50 million unallocated

allowances from the market stability reserve shall supplement any remaining revenues from the 300 million allowances available in the period from 2013 to 2020 under Commission Decision 2010/670/EU(\*), and shall be used in a timely manner for innovation support as referred to in the first subparagraph. Furthermore, the external assigned revenues referred to in Article 21(2) of Regulation (EU) [*FuelEU Maritime*] shall be allocated to the Innovation Fund and implemented in line with this paragraph.

allowances from the market stability reserve shall supplement any remaining revenues from the 300 million allowances available in the period from 2013 to 2020 under Commission Decision 2010/670/EU(\*), and shall be used in a timely manner for innovation support as referred to in the first subparagraph. Furthermore, the external assigned revenues referred to in Article [...] of Regulation (EU) **2018/842** shall be allocated to the Innovation Fund and implemented in line with this paragraph.

Or. en

#### *Justification*

*The Rapporteurs for the ETS and ESR revisions propose to allocate any revenues from the proposed penalties for ESR non-compliance to the ETS Innovation Fund.*

#### **Amendment 57**

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

##### **Article 1 – paragraph 1 – point 12 – point g**

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 3

#### *Text proposed by the Commission*

The Innovation Fund shall cover the sectors listed in Annex I and Annex III, including environmentally safe carbon capture and utilisation (“CCU”) that contributes substantially to mitigating climate change, as well as products substituting carbon intensive ones produced in sectors listed in Annex I, and to help stimulate the construction and operation of projects aimed at the environmentally safe capture and geological storage (“CCS”) of CO<sub>2</sub>, as well as of innovative renewable energy and energy storage technologies; in geographically balanced locations. The

#### *Amendment*

The Innovation Fund shall cover the sectors listed in Annex I and Annex III, including environmentally safe carbon capture and utilisation (“CCU”) that contributes substantially to mitigating climate change, as well as products substituting carbon intensive ones produced in sectors listed in Annex I, and to help stimulate the construction and operation of projects aimed at the environmentally safe capture and geological storage (“CCS”) of CO<sub>2</sub>, as well as of innovative renewable energy and energy storage technologies; in geographically balanced locations. The



Innovation Fund may also support break-through innovative technologies and infrastructure to decarbonise the *maritime* sector and for the production of low- and zero-carbon fuels in aviation, rail and road transport. Special attention shall be given to projects in sectors covered by the [CBAM regulation] to support innovation in low carbon technologies, CCU, CCS, renewable energy and energy storage, in a way that contributes to mitigating climate change.

Innovation Fund may also support break-through innovative technologies and infrastructure to decarbonise the *aviation* sector, *including projects that address the total climate impact of aviation*, and for the production of low- and zero-carbon fuels *and technologies* in aviation, rail and road transport, *including collective forms of transport such as public transport and occasional coach services*. Special attention shall be given to projects in sectors covered by the [CBAM regulation] to support innovation in low carbon technologies, CCU, CCS, renewable energy and energy storage, in a way that contributes to mitigating climate change. *The Innovation Fund may also support break-through innovative technologies in the agriculture sector.*

Or. en

#### *Justification*

*Several extensions of the stationary ETS as well as the new ETS for road transport and heating make it necessary to also give affected participants access to the Innovation Fund.*

### **Amendment 58**

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

#### **Article 1 – paragraph 1 – point 13 – introductory part**

Directive 2003/87/EC

Article 10c

#### *Text proposed by the Commission*

(13) *in* Article 10c, *paragraph 7 is replaced by the following:*

#### *Amendment*

(13) Article 10c *is deleted.*

Or. en

#### *Justification*

*Despite free allocation for the power sector having been ended already in 2013, 3 Member States continue to use transitional free allocation for the power sector under Article 10c. In a recent report, the European Court of Auditors concluded that this had not contributed to the*

*decarbonisation of the power sector in those Member States. Therefore, this transitional provision should be ended, but the Member States concerned should be allowed to keep these allowances for other purposes which means they can either auction it and add the revenues to the Modernisation Fund or use the revenues for any other purpose in line with this Directive according to their national priorities.*

## **Amendment 59**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2003/87/EC

Article 10c – paragraph 7

*Text proposed by the Commission*

*Amendment*

***Member States shall require benefiting electricity generating installations and network operators to report, by 28 February of each year, on the implementation of their selected investments, including the balance of free allocation and investment expenditure incurred and the types of investments supported. Member States shall report on this to the Commission, and the Commission shall make such reports public.;***

*deleted*

Or. en

*Justification*

*Despite free allocation for the power sector having been ended already in 2013, 3 Member States continue to use transitional free allocation for the power sector under Article 10c. In a recent report, the European Court of Auditors concluded that this had not contributed to the decarbonisation of the power sector in those Member States. Therefore, this transitional provision should be ended, but the Member States concerned should be allowed to keep these allowances for other purposes, either to be auctioned or to support investments within the framework of the Modernisation Fund.*

## **Amendment 60**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13 a) the following article is inserted:***

***Article 10ca***

***Any allowances for transitional free allocation for the modernisation of the energy sector that have not been allocated to operators in the Member States concerned by 31 December 2023 shall be added to the total quantity of allowances that the Member State concerned receives for auctioning pursuant to Article 10(2), point (a). However, Member States may use those allowances, or some of those allowances, in accordance with Article 10d to support investments within the framework of the Modernisation Fund.***

Or. en

*Justification*

*Despite free allocation for the power sector having been ended already in 2013, 3 Member States continue to use transitional free allocation for the power sector under Article 10c. In a recent report, the European Court of Auditors concluded that this had not contributed to the decarbonisation of the power sector in these Member States. Therefore, this transitional provision should be ended, but the Member States concerned should be allowed to keep these allowances for other purposes, either to be auctioned or to support investments within the framework of the Modernisation Fund.*

## **Amendment 61**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14 – point b**

Directive 2003/87/EC

Article 10d – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

2. At least **80** % of the financial resources from the Modernisation Fund shall be used to support investments in the

2. At least **100** % of the financial resources from the Modernisation Fund shall be used to support investments in the

following:

following:

Or. en

*Justification*

*The support for the priorities under the Modernisation Fund shall be increased as the Rapporteur deems them especially important for the green transition in the respective member states.*

**Amendment 62**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 15 – point e – introductory part**

*Text proposed by the Commission*

*Amendment*

(e) the following *paragraph 3b* is inserted:

(e) the following *paragraphs 3b, 3c and 3d* are inserted:

Or. en

**Amendment 63**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 15 – point e**

Directive 2003/87/EC

Article 12 – paragraph 3b – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

3b. An obligation to surrender allowances shall not arise in respect of emissions of greenhouse gases which are considered to have been captured and utilised to become permanently chemically bound in a product so that they do not enter the atmosphere under normal use.

3b. An obligation to surrender allowances shall not arise in respect of emissions of greenhouse gases which are considered to have been captured and utilised to become permanently chemically bound in a product so that they do not enter the atmosphere under normal use.

*The number of allowances required to be surrendered in respect of such emissions shall be proportionally reduced in respect of emissions of greenhouse gases which are considered to have been captured and utilised to become chemically bound in a product in a way other than that referred*

*to in the first subparagraph, taking into account a life-cycle assessment of the product.*

Or. en

#### *Justification*

*In addition to the existing exemption for CCS and the proposed exemption for CCU which is permanently chemically bound in a product, the Rapporteur proposes an intermediate category for partial reductions for CCU based on an overall life-cycle assessment of the process and product. In a next step, by 2030, the CCU emission accounting system should be reviewed with the objective to move the counting of emissions to the point of release into the atmosphere, on condition that all relevant economy-wide emissions are adequately covered by carbon pricing to avoid gaps and loopholes.*

#### **Amendment 64**

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

##### **Article 1 – paragraph 1 – point 15 – point e**

Directive 2003/87/EC

Article 12 – paragraph 3b – subparagraph 2

##### *Text proposed by the Commission*

The Commission shall adopt ***implementing acts concerning*** the requirements to consider that greenhouse gases have become permanently chemically bound in a product so that they do not enter the atmosphere under normal use.

##### *Amendment*

The Commission shall adopt ***delegated acts in accordance with Article 23 to supplement this Directive by setting out*** the requirements to consider that greenhouse gases have become permanently chemically bound in a product so that they do not enter the atmosphere under normal use ***as referred to in the first subparagraph of this paragraph, as well as by setting out a transparent, comparable and reliable methodology for the proportional reduction of the extent of the obligation to surrender allowances and for the life-cycle assessment of the product referred to in the second subparagraph of this paragraph. The methodology for the life-cycle assessment of the product shall take into account the double role of greenhouse gases as emissions and as feed stock, including the***

*emissions captured in the manufacture of the product, the emissions produced during the capture and utilisation process, the emissions utilised in the manufacture of the product compared to a similar product that does not result from the utilisation of recycled carbon, and the number of years the carbon captured from greenhouse gas emissions is bound in the product.*

*3c. Installations shall receive allowances in respect of greenhouse gases that are removed from the atmosphere as a result of bio-energy with carbon capture and storage (BECCS) or greenhouse gases that are captured from the atmosphere through direct air capture and geologically stored or utilised to become permanently chemically bound in a product so that they do not enter the atmosphere under normal use.*

*3d. By 31 December 2030, the Commission shall present a report to the European Parliament and to the Council in which it shall examine whether all economy-wide greenhouse gas emissions, in particular from waste incineration installations, are subject to carbon pricing mechanisms. The Commission shall, where appropriate, accompany that report with a legislative proposal to amend this Directive so that the obligation to surrender allowances only arises at the point of release into the atmosphere in respect of emissions of greenhouse gases which are considered to have been captured and utilised.*

Or. en

#### *Justification*

*In addition to the existing exemption for CCS and the proposed exemption for CCU which is permanently chemically bound in a product, the Rapporteur proposes an intermediate category for partial reductions for CCU based on an overall life-cycle assessment of the process and product. Paragraph 3c is included to incentivise BECCS and direct air capture that enable*

*Europe to become climate neutral and generate negative emissions after 2050. In a next step, by 2030, the CCU emission accounting system should be reviewed with the objective to move the counting of emissions to the point of release into the atmosphere, on condition that all relevant economy-wide emissions are adequately covered by carbon pricing to avoid gaps and loopholes.*

## **Amendment 65**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 15 – point e**

Directive 2003/87/EC

Article 12 – paragraph 3b

*Text proposed by the Commission*

*Amendment*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;***      ***deleted***

Or. en

*Justification*

*In addition to the existing exemption for CCS and the proposed exemption for CCU which is permanently chemically bound in a product, the Rapporteur proposes an intermediate category for partial reductions for CCU based on an overall life-cycle assessment of the process and product. In a next step, by 2030, the CCU emission accounting system should be reviewed with the objective to move the counting of emissions to the point of release into the atmosphere, on condition that all relevant economy-wide emissions are adequately covered by carbon pricing to avoid gaps and loopholes.*

## **Amendment 66**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 20**

Directive 2003/87/EU

Article 30 – paragraph 2

*Text proposed by the Commission*

*Amendment*

The measures applicable to CBAM sectors shall be kept under review in light of the application of Regulation xxx [reference to CBAM].;

The measures applicable to CBAM sectors, ***including the measures set out in Article 10a(1a) and (1b) of this Regulation,*** shall be kept under review in light of the application of Regulation xxx [reference to

*Justification*

*The phase out of free allocation should be kept under review in light of the actual entry into force and effectiveness of the Carbon Border Adjustment Mechanism. Therefore, the Rapporteur proposes a temporary CBAM reserve linked to a rolling review mechanism, to avoid double protection while enabling quick reactions in case any unforeseen gaps in carbon leakage protection would arise. Any corresponding gaps in the Innovation Fund are compensated through other provisions in this draft report.*

**Amendment 67****Proposal for a directive****Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Chapter IVa – heading

*Text proposed by the Commission**Amendment***EMISSIONS TRADING SYSTEM FOR  
BUILDINGS AND ROAD TRANSPORT****EMISSIONS TRADING SYSTEM FOR  
FUELS**

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

**Amendment 68****Proposal for a directive****Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30a – paragraph 1



*Text proposed by the Commission*

The provisions of this Chapter shall apply to emissions, greenhouse gas emission permits, issue and surrender of allowances, monitoring, reporting and verification in respect of the activity referred to in Annex III. This Chapter shall ***not apply*** to any ***emissions covered by Chapters II, IIa and III.***

*Amendment*

The provisions of this Chapter shall apply to emissions, greenhouse gas emission permits, issue and surrender of allowances, monitoring, reporting and verification in respect of the activity referred to in Annex III.

***By way of derogation from the first paragraph, Member States may request, by 31 July 2024, that the provisions of this Chapter apply only from 1 January 2027 to the release for consumption of fuels which are used for combustion in private road transport and private heating of residential buildings, provided that they can demonstrate that they can differentiate the monitoring, reporting and verification of those activities from other activities covered by this Chapter and that they can reach their 2030 targets under Regulation (EU) 2018/842 without the full application of this Chapter. By 31 July 2024, any Member State intending to make use of this derogation shall inform the Commission of that intention and provide any necessary information in this respect. Member States making use of this derogation shall not benefit from the Social Climate Fund until 1 January 2026. The decision by a Member State to delay the application of this Chapter shall be without prejudice to any obligation on a Member State to contribute to the Social Climate Fund established by Regulation (EU) 20.../nn [Social Climate Fund Regulation] as a net contributor.***

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps*

*between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## **Amendment 69**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30b – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that, from 1 January **2025**, no regulated entity carries out the activity referred to in Annex III unless that regulated entity holds a permit issued by a competent authority in accordance with paragraphs 2 and 3.

#### *Amendment*

1. Member States shall ensure that, from 1 January **2024**, no regulated entity carries out the activity referred to in Annex III unless that regulated entity holds a permit issued by a competent authority in accordance with paragraphs 2 and 3.

Or. en

#### *Justification*

*Because the rapporteur proposes an opt-out for private heating and private transport, and at the same time it is important to have a level playing field in the common market as soon as possible, the Rapporteur proposes to advance the start of the ETS for commercial operations by one year.*

## **Amendment 70**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30b – paragraph 2 – point b

#### *Text proposed by the Commission*

(b) the type of fuels it releases for consumption **and which are used for combustion in the buildings and road transport sectors as defined in Annex III** and the means through which it releases

#### *Amendment*

(b) the type of fuels it releases for consumption and the means through which it releases those fuels for consumption;

those fuels for consumption;

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

**Amendment 71**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30b – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

**(c) *the end use(s) of the fuels released for consumption for the activity referred to in Annex III;* deleted**

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

**Amendment 72**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30b – paragraph 4 – point b

*Text proposed by the Commission*

*Amendment*

(g) a description of the means by which the regulated entity releases the fuels for consumption ***in the sectors covered by this Chapter***;

(g) a description of the means by which the regulated entity releases the fuels for consumption;

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

**Amendment 73**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30b – paragraph 4 – point c

*Text proposed by the Commission*

*Amendment*

(h) a list of the fuels the regulated entity releases for consumption ***in the sectors covered by this Chapter***;

(h) a list of the fuels the regulated entity releases for consumption;

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## Amendment 74

### Proposal for a directive

#### Article 1 – paragraph 1 – point 21

Directive 2003/87/EC

Article 30c – paragraph 1

#### *Text proposed by the Commission*

1. The Union-wide quantity of allowances issued under this Chapter each year from **2026** shall decrease in a linear manner beginning in 2024. The 2024 value shall be defined as the 2024 emissions limits, calculated on the basis of the reference emissions under Article 4(2) of Regulation (EU) 2018/842 of the European Parliament and of the Council(\*) **for the sectors covered by this Chapter** and applying the linear reduction trajectory for all emissions within the scope of that Regulation. The quantity shall decrease each year after 2024 by a linear reduction factor of 5,15 %. By 1 January 2024, the Commission shall publish the Union-wide quantity of allowances for the year **2026**.

#### *Amendment*

1. The Union-wide quantity of allowances issued under this Chapter each year from **2025** shall decrease in a linear manner beginning in 2024. The 2024 value shall be defined as the 2024 emissions limits, calculated on the basis of the reference emissions under Article 4(2) of Regulation (EU) 2018/842 of the European Parliament and of the Council(\*) **multiplied by the percentage of emissions that would be subject to the reporting obligations pursuant to Article 30f of this Directive from 2025 onwards** and applying the linear reduction trajectory for all emissions within the scope of that Regulation. The quantity shall decrease each year after 2024 by a linear reduction factor of 5,15 %. By 1 January 2024, the Commission shall publish the Union-wide quantity of allowances for the year **2025**.

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## Amendment 75

### Proposal for a directive

#### Article 1 – paragraph 1 – point 21

*Text proposed by the Commission*

*Amendment*

**2 a.** *The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by setting out an additional amount of allowances to be issued for each year from 2025 onwards to compensate for allowances surrendered in cases where there was double counting of emissions notwithstanding rules to avoid such double counting as referred to in Article 30f(4). The additional amount of allowances set by the Commission shall correspond to the total amount of greenhouse gas emissions compensated for in the relevant reporting year pursuant to the delegated acts referred to in Article 30f(4a), point (a).*

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## **Amendment 76**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30d – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. From **2026**, allowances covered by this Chapter shall be auctioned, unless they

1. From **2025**, allowances covered by this Chapter shall be auctioned, unless they

are placed in the Market Stability Reserve established by Decision (EU) 2015/1814. The allowances covered by this Chapter shall be auctioned separately from the allowances covered by Chapters II, IIa and III.

are placed in the Market Stability Reserve established by Decision (EU) 2015/1814. The allowances covered by this Chapter shall be auctioned separately from the allowances covered by Chapters II, IIa and III.

Or. en

### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## **Amendment 77**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30d – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

2. The auctioning of the allowances under this Chapter shall start in **2026** with a volume corresponding to 130 % of the auction volumes for **2026** established on the basis of the Union-wide quantity of allowances for that year and the respective auction shares and volumes pursuant to paragraph 3, 5 and 6. The additional volumes to be auctioned shall only be used for surrendering allowances pursuant to Article 30e(2) and be deducted from the auction volumes for the period from 2028 to 2030. The conditions for these early auctions shall be set in accordance with paragraph 7 and Article 10(4).

#### *Amendment*

2. The auctioning of the allowances under this Chapter shall start in **2025** with a volume corresponding to 130 % of the auction volumes for **2025** established on the basis of the Union-wide quantity of allowances for that year and the respective auction shares and volumes pursuant to paragraph 3, 5 and 6. The additional volumes to be auctioned shall only be used for surrendering allowances pursuant to Article 30e(2) and be deducted from the auction volumes for the period from 2028 to 2030. The conditions for these early auctions shall be set in accordance with paragraph 7 and Article 10(4).

Or. en

### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

### **Amendment 78**

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

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30d – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

In **2026**, 600 million allowances covered by this Chapter are created as holdings in the Market Stability Reserve pursuant to Article 1a(3) of Decision (EU) 2015/1814.

#### *Amendment*

In **2025**, 600 million allowances covered by this Chapter are created as holdings in the Market Stability Reserve pursuant to Article 1a(3) of Decision (EU) 2015/1814.

Or. en

### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

### **Amendment 79**

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

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30d – paragraph 3 a (new)



**3 a. 25 % of the total quantity of allowances covered by this Chapter shall be auctioned and the revenues generated therefrom shall be allocated to the Social Climate Fund established by Regulation (EU) 20.../nn [Social Climate Fund Regulation].**

**3b. The revenues referred to in paragraph 3a shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation, and shall be used in accordance with the rules applicable to the Social Climate Fund.**

Or. en

*Justification*

*It is important to make sure that the size of the Social Climate Fund is increasing when the auctioning revenues are increasing. The Commission proposal is not good enough in this respect because they assume that 25% of the revenues will be spent for the Social Climate Fund but in case the carbon price is significantly higher than expected, also the burden for people in need will be higher than expected. The Social Climate Fund should therefore be directly linked to the ETS revenues. It should be managed outside the EU budget like the Innovation Fund and the Modernisation Fund.*

**Amendment 80**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30d – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. The total quantity of allowances covered by this Chapter after deducting the quantities set out in **paragraph 3**, shall be auctioned by the Member States and distributed amongst them in shares that are identical to the share of reference emissions under Article 4(2) of Regulation

4. The total quantity of allowances covered by this Chapter after deducting the quantities set out in **paragraphs 3 and 3a**, shall be auctioned by the Member States and distributed amongst them in shares that are identical to the share of reference emissions under Article 4(2) of Regulation

(EU) 2018/842 *for the sectors covered by this Chapter* for the average of the period from 2016 to 2018, of the Member State concerned.

(EU) 2018/842 *multiplied by the percentage of emissions that would be subject to the reporting obligations pursuant to Article 30f of this Directive from 2025 onwards* for the average of the period from 2016 to 2018, of the Member State concerned.

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

#### **Amendment 81**

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

##### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30d – paragraph 5 – introductory part

#### *Text proposed by the Commission*

5. Member States shall determine the use of revenues generated from the auctioning of allowances referred to in paragraph 4, except for the revenues *established as own resources* in accordance with *Article 311(3) TFEU and entered in the Union budget*. Member States shall use their revenues for one or more of the activities referred to in Article 10(3) or for one or more of the following:

#### *Amendment*

5. Member States shall determine the use of revenues generated from the auctioning of allowances referred to in paragraph 4, except for the revenues *generated from the auctioning of allowances* in accordance with *paragraph 3a*. Member States shall use their revenues for one or more of the activities referred to in Article 10(3) or for one or more of the following:

Or. en

#### **Amendment 82**

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

##### **Article 1 – paragraph 1 – point 21**

*Text proposed by the Commission*

2. From 1 January **2027**, Member States shall ensure that, by 30 April each year, the regulated entity surrenders a number of allowances covered by this Chapter, that is equal to the total emissions, corresponding to the quantity of fuels released for consumption pursuant to Annex III, during the preceding calendar year as verified in accordance with Articles 15 and 30f, and that those allowances are subsequently cancelled.

*Amendment*

2. From 1 January **2026**, Member States shall ensure that, by 30 April each year, the regulated entity surrenders a number of allowances covered by this Chapter, that is equal to the total emissions, corresponding to the quantity of fuels released for consumption pursuant to Annex III, during the preceding calendar year as verified in accordance with Articles 15 and 30f, and that those allowances are subsequently cancelled.

Or. en

*Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

**Amendment 83**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30f – paragraph 2

*Text proposed by the Commission*

2. Member States shall ensure that each regulated entity monitors for each calendar year as from **2025** the emissions corresponding to the quantities of fuels released for consumption pursuant to Annex III. They shall also ensure that each regulated entity reports these emissions to the competent authority in the following

*Amendment*

2. Member States shall ensure that each regulated entity monitors for each calendar year as from **2024** the emissions corresponding to the quantities of fuels released for consumption pursuant to Annex III. They shall also ensure that each regulated entity reports these emissions to the competent authority in the following

year, starting in **2026**, in accordance with the acts referred to in Article 14(1).

year, starting in **2025**, in accordance with the acts referred to in Article 14(1).

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

#### **Amendment 84**

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

##### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30f – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2 a.** *Member States shall ensure that each regulated entity monitors for each calendar year from 2025 the share of costs that are related to the surrender of allowances and passed on to the final consumer for the quantities of fuels released for consumption pursuant to Annex III. Member States shall also ensure that each regulated entity reports those costs to the competent authority in the following year, starting in 2026, in accordance with the acts referred to in Article 14(1). The Commission shall report annually on the share of costs that are related to the surrender of allowances and passed on to the final consumer for each regulated entity. That report shall be made public.*

Or. en

### *Justification*

*While it is legally challenging to require a share of the carbon costs to not be passed on to the end-consumer, the share of costs passed on to end consumers by each company should be publicly reported to provide comparative and transparent information.*

## **Amendment 85**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30f – paragraph 3

#### *Text proposed by the Commission*

3. Member States shall ensure that each regulated entity holding a permit in accordance with Article 30b on 1 January **2025** report their historical emissions for year **2024** by 30 March **2025**.

#### *Amendment*

3. Member States shall ensure that each regulated entity holding a permit in accordance with Article 30b on 1 January **2024** report their historical emissions for year **2023** by 30 March **2024**.

Or. en

### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## **Amendment 86**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30f – paragraph 4

#### *Text proposed by the Commission*

4. ***Member States shall ensure that the regulated entities are able to identify and document reliably and accurately per***

#### *Amendment*

4. ***The implementing acts provided for in Article 14(1) shall set out detailed and harmonised rules*** to avoid any double

*type of fuel, the precise volumes of fuel released for consumption which are used for combustion in the buildings and road transport sectors as identified in Annex III, and the final use of the fuels released for consumption by the regulated entities. The Member States shall take appropriate measures to avoid any risk of double counting of emissions covered under this Chapter and the emissions under Chapters II, IIa and III. Detailed rules for avoiding double counting shall be adopted in accordance with Article 14(1).*

counting of emissions covered under this Chapter and the emissions under Chapters II, IIa and III.

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

#### **Amendment 87**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 21**  
Directive 2003/87/EC  
Article 30f – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4 a. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by setting out the Union-wide and fully harmonised rules regarding compensation of indirect costs arising as a result of the emissions trading system under this Chapter.**

**Those delegated acts shall also include rules regarding:**

*(a) compensation of indirect costs for operators of installations pursuant to Article 3e that are incurred from costs passed on in fuel prices concerning emissions from the combustion of fuels and provided that those emissions are reported by the operator pursuant to Article 14 as well as the regulated entity pursuant to this Article and that the double counting is not avoided pursuant to paragraph 4 of this Article; the calculation of the compensation amount shall be based on the average price of allowances auctioned pursuant to Article 30d(4) in the reporting year concerned pursuant to this Article;*

*(b) compensation of indirect costs for companies in sectors or subsectors which are exposed to a genuine risk of carbon leakage due to significant indirect costs that are actually incurred from greenhouse gas emission costs passed on in fuel prices; in addition to the sectors and subsectors determined in the delegated acts referred to in Article 10b(5), the Commission shall assess the carbon leakage exposure and whether to include further sectors and subsectors based on the criteria set out in Article 10b(2) in accordance with the procedure set out in Article 10b(3), second and third subparagraphs; the compensation granted under this point shall be such as to ensure that there is adequate protection against the risk of carbon leakage and be based on the ex-ante benchmarks determined in accordance with Article 10a(2); beneficiaries of the compensation shall be subject to the requirements set out in Article 10a(1), third subparagraph.*

Or. en

#### *Justification*

*The scope of the new ETS is extended to all fuels to ensure a level playing field and close gaps*

*between the existing and new ETS (notably process heating in smaller installations). In addition, it simplifies administration for fuel distributors. To avoid double counting, a corresponding correction mechanism is established. In addition, implementation is moved forward by 1 year, while introducing an opt-out clause until 2027 for fuels for private road transport and residential building heating.*

## **Amendment 88**

### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 14 – point a**

Regulation 2015/757/EU

Article 23 – paragraph 2

#### *Text proposed by the Commission*

The power to adopt delegated acts referred to in Article 5(2), as regards ensuring the functioning of the EU ETS, and Articles 6(8), 7(5), 11a(4), 13(6) and 15(6) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the entry into force of [revised MRV Regulation].”;

#### *Amendment*

The power to adopt delegated acts referred to in Article 5(2), as regards ensuring the functioning of the EU ETS, and Articles 6(8), 7(5), 11a(4), 13(6) and 15(6) shall be conferred on the Commission for ***a*** period of ***five years*** from the entry into force of [revised MRV Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***”;

Or. en

#### *Justification*

*Alignment with EP position on the MRV revision on Article 23(2) of the MRV Regulation.*