

VOTING LIST

Revision ETS Directive (maritime & road)

Proposal for a directive of the European Parliament and of the Council 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

Rapporteur: Andrey Novakov

Concerned text	AM	Tabled by	Remarks*	Rapp	Vote
Scope EU ETS Article 2	CA 1	EPP, Renew, ID, ECR, The Left	If adopted, 239, 240, 241, 242, 52 and 54 fall	+	
Shared responsibility Article 3(v)	CA 2	EPP, Renew, ID, ECR, The Left	If adopted, 245, 246, 20, 248 A, 249, 247 A, 308, 317, 394, 395, 396, 86, 87, 88 and 90 fall	+	
Definitions/competitiveness /carbon leakage Article 3	CA 3	EPP, Renew, ID, ECR	If adopted, 251, 252, 253, 254, 255, 256, 258, 260, 261, 458, 459, 460, 461 B, 53, 56, 57, 58, 59, 60, 61, 62, 63, 66, 68, 72 and 73 fall	+	
Ships activities, geographic scope, phase in, OMR Articles 3a and 3g	CA 4A	EPP, Renew, ID, ECR	If adopted, 269, 271, 272, 273, 21, 275, 276, 277, 274, 278, 284, 285, 286, 24, 287, 289, 299, 301, 302, 29, 303, 306, 316, 335, 385, 391, 456, 457, 467, 489 A, 474 A, 386, 491 A, 475, 46, 65, 64, 66, 1, 67, 68, 69, 76, 89, 232 and 233 fall	+	
ETS allowances maritime Article 9	CA 4B	EPP, Renew, ID, ECR	If adopted, 336, 337 and 32 fall	+	
Bonus system Articles 3g and 3ga	CA 5	EPP, Renew, ID, ECR	If adopted, 282, 283, 298, 305, 307, 472, 51, 70, 71, 74, 75 and 110 fall	+	

Bonus system aviation	CA 5A	EPP, Renew, ID, ECR	If adopted, 377, 378, 379, 223, 224, 225, 226 and 227 fall	+	
IMO progress Article 3g	CA 6	EPP, Renew, ID, ECR, The Left	If adopted, 22, 280, 23, 281, 279, 315, 318, 319, 320, 321, 322, 323, 78, 2, 79, 80 and 235 fall	+	
Maritime Fund Article 3gd new	CA 7A	EPP, Renew, ID, ECR	If adopted, 314, 313 A, 310, 311, 30, 312, 309, 341, 343, 350, 352, 358, 55, 77, 93, 94 B and 95 fall	+	
Auctioning revenues Article 10	CA 7B	EPP, Renew, ID, ECR	If adopted, 33, 344, 345, 346, 348 and 34 fall	+	
Innovation Fund Article 10a(8)	CA 7C	EPP, Renew, ID, ECR	If adopted, 364, 358, 359, 360, 361, 35, 362, 363, 365, 36, 366, 37, 368, 100, 102, 103, 99, 3, 101, 104, 105 and 106 fall	+	
Modernisation Fund Article 10d	CA 7D	EPP, Renew, ID, ECR	If adopted, 370, 38, 369, 371, 373, 374, 39, 107 and 108 fall	+	
Setting aside of allowances Article 10 MSR Article 1	CA 7E	EPP, Renew, ID, ECR	If adopted, 339, 340, 451, 450, 94 A and 222 fall	+	
Impact assessment Article 3ge	CA 8	EPP, Renew, ID, ECR, The Left	If adopted, 247 B, 325, 324, 326, 327, 328, 31, 331, 329, 330, 332, 333, 334, 54, 81, 82, 83, 84, 85, 221, 234 and 236 fall	+	
Ice navigation Article 12 etc.	CA 9	EPP, Renew, ID, ECR	If adopted, 380, 382, 381, 384, 40, 387, 390, 41, 461 A, 462, 463, 464, 465, 466, 468, 469 and 91 fall	+	
Review Article 30j	CA 10	EPP, Renew, ID, ECR	If adopted, 447, 471, 50 and 236 fall	+	
CBAM Article 10a	CA 11	EPP, Renew, ID, ECR	If adopted, 354, 355, 356, 96 and 97 fall	+	
Market access/excess fluctuations Articles 12(1), 19 and 29a	CA 12	EPP, ID, ECR	If adopted, 375, 392, 398, 399, 376, 400, 397 and 452 fall	+	
ETS 2 Chapter IVa etc.	CA 13	EPP, Renew, ID, ECR	If adopted, 243, 244, 262, 265, 267, 401, 42, 407, 408, 409, 410, 411, 43, 412, 413, 414, 415, 416, 417, 418, 419,	+	

			420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 44, 431, 432, 433, 434, 435, 436, 437, 438, 440, 441, 443, 444, 445, 446, 448, 449, 453, 45, 476, 477, 47, 479, 480, 481, 483, 485, 486, 111, 4, 117, 118, 121, 122, 123, 124, 125, 126, 127, 128, 5, 133, 136, 137, 6, 142, 148, 7, 149, 8, 155, 9, 161, 167, 10, 168, 173, 11, 174, 177, 178, 12, 184, 13, 190, 191, 196, 14, 197, 198, 15, 204, 16, 210, 215, 17, 216, 219, 18, 228 and 19 fall		
Entry into force proposal Art. 4	CA 14	EPP, Renew, ID, ECR	If adopted, 470 fall	+	
Article 1 – paragraph 1 – point 2 – point d Directive 2003/87/EC – Article 3 – point v	248 B	Bauzá Díaz, Bilbao Barandica, Katainen, Oetjen, Nagtegaal	Falls if CA 2 NOT adopted as addition to CA 2 248B: “Operation of the ship ... or the speed of the ship.”	+	
Article 1 – paragraph 1 – point 5 Directive 2003/87/EC – Article 3g – paragraph 1a (new)	282	Salini, Marinescu, Novakov	Falls if CA 5 adopted	+	
Article 1 – paragraph 1 – point 5 Directive 2003/87/EC – Article 3g – paragraph 1b (new)	283	Salini, Marinescu, Novakov	Falls if CA 5 adopted	+	
Article 1 – paragraph 1 – point 6 Directive 2003/87/EC – Article 3ga – paragraph 1a (new)	298	García Muñoz, Rodríguez-Piñero, Homs Ginel, López Aguilar, Ruiz Devesa, Durá Ferrandis, Grapini	Falls if CA 5 adopted	+	
Article 1 – paragraph 1 – point 6 Directive 2003/87/EC – Article 3ga – paragraph 2	304	Bauzá Díaz, Bilbao Barandica, Katainen, Oetjen, Nagtegaal	Falls if CA 4A NOT adopted as addition to CA 4A: “Member States shall provide at least 30% of the allowances ... performance parameters. Those routes shall be incorporated in a list ... Commission.”	+	

			<i>deep-sea routes</i>		
Article 1 – paragraph 1 – point 6 Directive 2003/87/EC – Article 3ga – paragraph 2 a (new)	305	García Muñoz, Rodríguez-Piñero, Homs Ginel, López Aguilar, Ruiz Devesa, Durá Ferrandis, Grapini	Falls if CA 5 adopted	+	
Article 1 – paragraph 1 – point 6 Directive 2003/87/EC – Article 3ga new	307	Marinescu, Falcă, Ferber, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar, Virkkunen	Falls if CA 5 adopted	+	
Article 1 – paragraph 1 – point 6 Directive 2003/87/EC – Article 3gd b (new)	313 B	Van Brempt, Tax, Cerdas, Vind	Falls if CA 7A NOT adopted as addition to CA 7A <i>313B: “3. 30% of the Maritime Fund’s means will be allocated to a social pillar ... maritime careers”</i>	-	
Article 1 – paragraph 1 – point 11 – point b Directive 2003/87/EC – Article 10 – paragraph 3 – introductory part	342	Marinescu, Ferber, Falcă, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar	Falls if CA 7A NOT adopted as addition to CA 7A <i>insertion of the words: “to the Aviation Transition Fund, in accordance with Article 3da, and” after “revenues transferred”</i> <i>(wording to be aligned to text adopted on ETS aviation)</i>	+	
Article 1 – paragraph 1 – point 11 – point b Directive 2003/87/EC – Article 10 – paragraph 3 – point fa (new)	347	Novakov, Falcă, Salini, Monteiro de Aguiar, Frankowski, Bogovič, Marinescu	Falls if CA 7B NOT adopted Identical as addition to CA 7B	+	
	349	Marinescu, Ferber, Falcă, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar			
Article 1 – paragraph 1 – point 11 – point d Directive 2003/87/EC – Article 10 – paragraph 4	351	Marinescu, Falcă, Ferber, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar	Falls if CA 7A NOT adopted as addition to CA 7A <i>insertion of the words “Aviation Fund and” before “Maritime Fund”</i>	+	

			<i>(wording to be aligned to text adopted on ETS aviation)</i>		
Article 1 – paragraph 1 – point 12 – point a Directive 2003/87/EC – Article 10a – paragraph 1	353	Deli	<i>Deletion</i>	0	
Article 1 – paragraph 1 – point 12 – point b Directive 2003/87/EC – Article 10a – paragraph 1a – subparagraph 1	354	Oetjen	Falls if CA 11 adopted	+	
Article 1 – paragraph 1 – point 12 – point b Directive 2003/87/EC – Article 10a – paragraph 1a – subparagraph 1	355	Marinescu, Falcă, Ferber, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar	Falls if CA 11 adopted as addition to 354 “in equalising CO2 costs between imported and domestic products”	+	
Article 1 – paragraph 1 – point 12 – point b Directive 2003/87/EC – Article 10a – paragraph 1a – subparagraph 2a (new)	356	Oetjen	Fall if CA 11 adopted Identical	+	
	357	Deli			
Article 1 – paragraph 1 – point 15 – point -a (new) Directive 2003/87/EC – Article 12 – paragraph 1	375	Marinescu, Falcă, Ferber, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar, Virkkunen	Falls if CA 12 adopted	+	
Article 1 – paragraph 1 – point 15 – point e a (new) Directive 2003/87/EC – Article 12 – paragraph 4	392	Marinescu, Falcă, Ferber, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar, Virkkunen	Falls if CA 12 adopted Deemed adopted if 375 adopted AND CA 12 NOT adopted	+	
Article 1 – paragraph 1 – point 16 Directive 2003/87/EC – Article 14 – paragraph 1 – subparagraph 1	393	Bauzá Díaz, Bilbao Barandica, Katainen, Oetjen, Nagtegaal		+	
Article 1 – paragraph 1 – point 19 a (new) Directive 2003/87/EC – Article 19 – paragraph 2	398	Marinescu, Falcă, Ferber, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar, Virkkunen	Falls if CA 12 adopted	+	
Article 1 – paragraph 1 – point 19 b (new) Directive 2003/87/EC –	399	Marinescu, Ferber, Falcă, Salini, Vuolo, Łukacijewska,	Falls if CA 12 adopted	+	

Article 19 – paragraph 2a (new)		Frankowski, Monteiro de Aguiar, Virkkunen			
Article 1 – paragraph 1 – point 15 – point -a (new) Directive 2003/87/CE – Article 12 – paragraph 1 b (new)	376	García Muñoz, Rodríguez-Piñero, López Aguilar, Ruiz Devesa, Durá Ferrandis, Grapini, Luena	Falls if CA 12 adopted Falls if 398 AND 399 adopted covered by 398/399	+	
Article 1 – paragraph 1 – point 20 a (new) Directive 2003/87/EC – Article 29a	400	Deli	Falls if CA 12 adopted	+	
Article 1 – paragraph 1 – point 19 a (new) Directive 2003/87/EC – Article 29a – paragraph 1	397	García Muñoz, Rodríguez-Piñero, López Aguilar, Ruiz Devesa, Durá Ferrandis, Grapini, Luena	Falls if CA 12 or 400 adopted	+	
Article 2 – paragraph 1 – point 1 – point c Decision (EU) 2015/1814 – Article 1 – paragraph 5aa (new)	452	García Muñoz, Rodríguez-Piñero, López Aguilar, Ruiz Devesa, Durá Ferrandis, Grapini, Luena	Falls if CA 12 adopted	0	
Annex I – paragraph 1 – point a Directive 2003/87/EC – Annex I – point 1	472	Novakov, Marinescu	Falls if CA 5 adopted	+	
Annex I – paragraph 1 – point a Directive 2003/87/EC – Annex I – point 2	473	Campomenosi, Borchia, Casanova, Haider, Tardino	<i>Deletion</i>	-	
Annex – paragraph 1 – point c-point vii-table Directive 2003/87/EC – ANNEX I – paragraph 1 – point c – point vii – table	489 B	Arias Echeverría	Fall if CA 7A NOT adopted Identical <i>as addition to CA 4A the words “voyages performed by a ship with total emissions lower than 10000 tonnes per year”</i> <i>489B: AM point c)</i> <i>474B: AM 2nd indent</i> <i>491B: AM point d)</i>	+	
	474 B	García Muñoz, Rodríguez-Piñero, Homs Ginel, López Aguilar, Ruiz Devesa, Durá Ferrandis, Gálvez Muñoz, Grapini			
	491 B	Bauzá Díaz			
Recital 8	51	Deli	Falls if CA 5 adopted	-	

Recital 17 a (new)	70	García Muñoz, Rodríguez-Piñero, Homs Ginel, López Aguilar, Ruiz Devesa, Durá Ferrandis, Grapini	Falls if CA 5 adopted	+	
Recital 17 a (new)	71	Marinescu, Falcă, Ferber, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar, Virkkunen	No vote Falls if CA 5 adopted or 307 NOT adopted Otherwise deemed adopted	+	
Recital 17 b (new)	74	Marinescu, Falcă, Salini, Vuolo, Łukacijewska, Frankowski, Monteiro de Aguiar, Virkkunen, Ferber, Arias Echeverría	Falls if CA 5 adopted Falls if 282 AND 307 NOT adopted	+	
Recital 17 b (new)	75	García Muñoz, Rodríguez-Piñero, Homs Ginel, López Aguilar, Ruiz Devesa, Durá Ferrandis, Grapini	No vote Falls if CA 5 adopted or 298 NOT adopted Otherwise deemed adopted	+	
Recital 30	96	Oetjen	Falls if CA 11 adopted	+	
Recital 30	97	Deli	Falls if CA 11 or 96 adopted covered by 96	+	
Recital 32	98	Bauzá Díaz, Bilbao Barandica, Katainen, Oetjen, Nagtegaal		+	
Recital 40	109	Novakov, Falcă, Salini, Monteiro de Aguiar, Frankowski, Bogovič, Marinescu		+	
Recital 42	110	Novakov, Falcă, Salini, Monteiro de Aguiar, Frankowski, Bogovič, Marinescu	No vote Falls if CA 5 adopted or 472 NOT adopted Otherwise deemed adopted	+	
Recital 52	172	García Muñoz, Rodríguez-Piñero, Vitanov, López Aguilar, Ruiz Devesa, Durá Ferrandis	Falls if CA 13 NOT adopted as addition to CA 13: text of AM as Recital 52a (new)	+	
Recital 67 b (new)	237	Dalunde		-	

Recital 67 c (new)	238	Dalunde		-	
Final vote – Draft as amended (Roll-call vote)				+	

* Please note that amendments shown as falling under a compromise include any relevant identical amendment or amendment voted together, as indicated previously in the draft voting list.

COMPROMISE AMENDMENTS

COMPROMISE AMENDMENT 1

SCOPE of EU ETS

Supported by: EPP, Renew, ID, ECR, The Left

Replacing AMs: 239, 240, 241, 242, 52, 54

Article 1 – paragraph 1 – point 1

Directive 2003/87/EC

Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to the activities listed in Annexes I **and III**, and to the of greenhouse gases listed in Annex II. Where an installation that is included in the scope of the EU ETS due to the operation of combustion units with a total rated thermal input exceeding 20 MW changes its production processes to reduce its greenhouse gas emissions and no longer meets that threshold, it shall remain in the scope of the EU ETS until the end of the relevant five year period referred to in Article 11(1), second subparagraph, following the change to its production process.

Amendment

1. This Directive shall apply to the activities listed in Annexes I, and to the greenhouse gases listed in Annex II. Where an installation that is included in the scope of the EU ETS due to the operation of combustion units with a total rated thermal input exceeding 20 MW changes its production processes to reduce its greenhouse gas emissions and no longer meets that threshold, it shall remain in the scope of the EU ETS until the end of the relevant five year period referred to in Article 11(1), second subparagraph, following the change to its production process.

Article 1 – paragraph 1 – point 1

Directive 2003/87/EC

Article 2 – paragraph 2

Text proposed by the Commission

2. This Directive shall apply without prejudice to any requirements pursuant to Directive 2010/75/EU of the European Parliament and of the Council(*).

Amendment

2. This Directive shall apply without prejudice to any requirements pursuant to Directive 2010/75/EU of the European Parliament and of the Council(*).

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) International maritime transport activity, consisting of voyages between ports under the jurisdiction of two different Member States or between a port under the jurisdiction of a Member State and a port outside the

Amendment

(14) International maritime transport activity, consisting of voyages between ports under the jurisdiction of two different Member States or between a port under the jurisdiction of a Member State and a port outside the

jurisdiction of any Member State, has been the only means of transportation not included in the Union's past commitments to reduce greenhouse gas emissions. Emissions from fuel sold in the Union for journeys that depart in one Member State and arrive in a different Member State or a third country have grown by around 36 % since 1990. Those emissions represent close to 90 % of all Union navigation emissions as emissions from fuel sold in the Union for journeys departing and arriving in the same Member State have been reduced by 26 % since 1990. In a business-as-usual scenario, emissions from international maritime transport activities are projected to grow by around 14 % between 2015 and 2030 and 34 % between 2015 and 2050. ***If the climate change impact of maritime transport activities grows as projected, it would significantly undermine reductions made by other sectors to combat climate change.***

jurisdiction of any Member State, has been the only means of transportation not included in the Union's past commitments to reduce greenhouse gas emissions. Emissions from fuel sold in the Union for journeys that depart in one Member State and arrive in a different Member State or a third country have grown by around 36 % since 1990. Those emissions represent close to 90 % of all Union navigation emissions as emissions from fuel sold in the Union for journeys departing and arriving in the same Member State have been reduced by 26 % since 1990. In a business-as-usual scenario, emissions from international maritime transport activities are projected to grow by around 14 % between 2015 and 2030 and 34 % between 2015 and 2050. ***Proportional action in this sector should therefore considerably contribute to reaching the EU's GHG gas emission reduction goals and climate neutrality by 2050 as set by the Climate Law.***

COMPROMISE AMENDMENT 2

SHARED RESPONSIBILITY

Supported by: EPP, Renew, ID, ECR, The Left

Replacing AMs: 20, 245, 246, 247, 248, 249, 250, 308, 317, 394, 395, 396, 86, 87, 88, 90

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Directive 2003/87/EC

Article 3–point v

Text proposed by the Commission

(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 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(*);

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 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(*); ***when the ultimate responsibility for the operation of the ship and the decisions affecting the GHG emissions of the ship is assumed, by means of a contractual arrangement, by a different entity or entities, this entity/-ies shall be directly responsible for assuming the duties, responsibilities and compliance costs under this Directive to the extent provided under this contractual agreement.***

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point a

Directive 2003/87/EC

Article 16 – paragraph 2

Text proposed by the Commission

[...]

Amendment

unchanged

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point b

Directive 2003/87/EC

Article 16 – paragraph 3a

Text proposed by the Commission

Amendment

[...]

unchanged

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point c

Directive 2003/87/EC

Article 16 – paragraph 11a

Text proposed by the Commission

Amendment

[...]

unchanged

Proposal for a directive

Recital 20

Text proposed by the Commission

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 CO₂ 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.

(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 CO₂ 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. ***Compliance of the ship, which is a shared responsibility between the ship owner and the operator, needs to be monitored and enforced. The Commission is called upon to assess by 2027 potential compliance loopholes, propose measures and review this Directive, when appropriate.***

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) In order to reduce the administrative burden on shipping companies, one Member State should be responsible for each shipping company. The Commission should publish an initial list of shipping companies that performed a maritime activity falling within the scope of the EU ETS, which specifies the administering authority in respect of each shipping company. The list should be updated at least every **two years** to reattribute shipping companies to another administering authority as relevant. For shipping companies registered in a Member State, the administering authority should be that Member State. For shipping companies registered in a third country, the administering authority should be the Member State in which the shipping company had the greatest estimated number of port calls from voyages falling within the scope of Directive 2003/87/EC in the last two monitoring years. For shipping companies registered in a third country and which did not perform any voyage falling within the scope of Directive 2003/87/EC in the last two monitoring years, the administering authority should be the Member State from where the shipping company started its first voyage falling within the scope of that Directive. The Commission should publish and update on a **biennial** basis a list of shipping companies falling within the scope of Directive 2003/87/EC specifying the administering authority for each shipping company. In order to ensure equal treatment of shipping companies, Member States should follow harmonised rules for the administration of shipping companies for which they have responsibility, in accordance with detailed rules to be established by the Commission.

Amendment

(21) In order to reduce the administrative burden on shipping companies, one Member State should be responsible for each shipping company. The Commission should publish an initial list of shipping companies that performed a maritime activity falling within the scope of the EU ETS, which specifies the administering authority in respect of each shipping company. The list should be updated **regularly and** at least every **year** to reattribute shipping companies to another administering authority as relevant. For shipping companies registered in a Member State, the administering authority should be that Member State. For shipping companies registered in a third country, the administering authority should be the Member State in which the shipping company had the greatest estimated number of port calls from voyages falling within the scope of Directive 2003/87/EC in the last two monitoring years. For shipping companies registered in a third country and which did not perform any voyage falling within the scope of Directive 2003/87/EC in the last two monitoring years, the administering authority should be the Member State from where the shipping company started its first voyage falling within the scope of that Directive. The Commission should publish and update on a **yearly** basis a list of shipping companies falling within the scope of Directive 2003/87/EC specifying the administering authority for each shipping company. In order to ensure equal treatment of shipping companies, Member States should follow harmonised rules for the administration of shipping companies for which they have responsibility, in accordance with detailed rules to be established by the Commission.

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Based on experience from similar tasks related to environmental protection, the

Amendment

(24) Based on experience from similar tasks related to environmental protection, the

European Maritime Safety Agency (EMSA) or another relevant organisation should, as appropriate and in accordance with its mandate, assist the Commission and the administering authorities in respect of the implementation of Directive 2003/87/EC. Owing to its experience with the implementation of Regulation (EU) 2015/757 and its IT tools, EMSA *could* assist the administering authorities notably as regards the monitoring, reporting and verification of emissions generated by maritime activities under the scope of this Directive by facilitating the exchange of information or developing guidelines and criteria.

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COMPROMISE AMENDMENT 3

DEFINITIONS/ COMPETITIVENESS/CARBON LEAKAGE

Supported by: EPP, Renew, ID, ECR

Replacing AMs: 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 458, 459, 460, 53, 56, 57, 58, 59, 60, 61, 62, 63, a part of 66, 68, 72, 73, 461

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Directive 2003/87/EC

Article 3 – point (w a) - (w e) (new)

Text proposed by the Commission

Amendment

(w a) “port of call” means the port where a ship stops to load or unload cargo or to embark or disembark passengers; consequently, for the purpose of this directive stops for the sole purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, stops in a transshipment port of a non-EU neighbouring country and stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities are excluded;

(w b) “transshipment port” means the port where the movement of one type of cargo to be transhipped exceeds majority of the total traffic of that port. It needs to be considered that cargo, container or goods are transhipped when they are unloaded from ship to the port for the sole purpose of loading them on another ship. Such ports shall be incorporated in a list and reconsidered on an annual basis by the Commission;

(w c) “deep sea routes” are those shipping routes connecting two or more continents and performed by regular services covering more than 3000 km long where ships would carry out transshipment operations at any port in its route. Such routes shall be incorporated in a list and reconsidered on an annual basis by the Commission;

(w d) “transshipment operation” means an operation in which any cargo, container or good is unloaded from a ship to the port for

the sole purpose of loading it on another ship;

(w e) "non-EU neighbouring country" means a non-EU country which is connected by the same sea basin to an EU Member State, or adjacent to an EU Member State;

(w f) 'voyage' means any movement of a ship that originates from or terminates in a port of call and that serves the purpose of transporting passengers or cargo for commercial purposes

Proposal for a directive

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

Regulation (EU) 2015/757

Article 3 – point c

Text proposed by the Commission

Amendment

(c) 'voyage' means any movement of a ship that originates from or terminates in a port of call and that serves the purpose of transporting passengers or cargo for commercial purposes;

= COM

Proposal for a directive

Article 3 – paragraph -1 a (new)

Regulation (EU) 2015/757

Article 3 – point b

Present text

Amendment

'port of call' means the port where a ship stops to load or unload cargo or to embark or disembark passengers; consequently, stops for the sole purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship and/or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, and stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities are excluded;

(-1 a) in Article 3, point (b) is replaced by the following:

*"(b) 'port of call' means the port where a ship stops to load or unload cargo or to embark or disembark passengers; consequently, **for the purpose of this regulation**, stops for the sole purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship and/or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, **stops in a transshipment port of a non-EU neighbouring country** and stops for the sole purpose of taking shelter from adverse weather or*

rendered necessary by search and rescue activities are excluded;

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In 2013, the Commission adopted a strategy for progressively integrating maritime emissions into the Union's policy for reducing greenhouse gas emissions. As a first step in this approach, the Union established a system to monitor, report and verify emissions from maritime transport in Regulation (EU) 2015/757 of the European Parliament and of the Council⁴⁷, to be followed by the laying down of reduction targets for the maritime sector and the application of a market based measure. In line with the commitment of the co-legislators expressed in Directive (EU) 2018/410 of the European Parliament and of the Council⁴⁸, action by the International Maritime Organization (IMO) or the Union should start from 2023, including preparatory work on adoption and implementation of a measure ensuring that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement and due consideration being given by all stakeholders.

⁴⁷ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

Amendment

(15) In 2013, the Commission adopted a strategy for progressively integrating maritime emissions into the Union's policy for reducing greenhouse gas emissions. As a first step in this approach, the Union established a system to monitor, report and verify emissions from maritime transport in Regulation (EU) 2015/757 of the European Parliament and of the Council⁴⁷, to be followed by the laying down of reduction targets for the maritime sector and the application of a market based measure. In line with the commitment of the co-legislators expressed in Directive (EU) 2018/410 of the European Parliament and of the Council⁴⁸, action by the International Maritime Organization (IMO) or the Union should start from 2023, including preparatory work on adoption and implementation of a measure ensuring that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement and due consideration being given by all stakeholders. ***When defining and implementing these actions, the EU should take due consideration of the competitiveness of the maritime sector, including the competitive position of EU ports as well as avoiding creating carbon and business leakage. It is important to take into account EU-neighbouring port calls made before and after EU port calls. The Commission should therefore set up a monitoring scheme and propose measures to assess and address carbon and business leakage linked to rerouting and evasion calls, as well as determine the possible impacts of such a regional system on the competitiveness and connectivity of ports in Europe, as well as the possible negative impact on the modal split.***

⁴⁷ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

⁴⁸ Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (OJ L 76, 19.3.2018, p. 3).

⁴⁸ Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (OJ L 76, 19.3.2018, p. 3).

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Pursuant to Directive (EU) 2018/410, the Commission should report to the European Parliament and to the Council on the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the maritime transport sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement. Efforts to limit global maritime emissions through the IMO are under way and should be encouraged. ***However, while the recent progress achieved through the IMO is welcome, these measures will not be sufficient to achieve the objectives of the Paris Agreement.***

Amendment

(16) ***Maritime transport is not only an important sector for the European economy but it is also essential for European connectivity. The sector operates in an international environment and requires a global level playing field to remain competitive. An early transition to sustainable shipping of the European maritime transport sector may present a unique opportunity to increase its competitiveness as the global system transitions to zero-emission.*** Pursuant to Directive (EU) 2018/410, the Commission should report to the European Parliament and to the Council on the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the maritime transport sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement. ***Given the international character of shipping, efforts to limit global maritime emissions through the IMO are under way and should be encouraged by establishing a global climate effective market-based measure, in line with the Paris Agreement, as most suitable and effective option to address the decarbonisation of the sector, especially for regions at the periphery of Europe whose maritime sectors are highly exposed to negative economic impacts. The Commission in collaboration with Member States should therefore further step up diplomatic efforts and increase the pressure on the IMO in order to limit the global average temperature rise to well below 2°C above pre-industrial levels, and to aim for 1.5°C, as well as to avoid carbon leakage, which would endanger EU businesses due to unfair international competition vis-à-vis non-EU ports. Overall, EU initiatives addressing emissions from shipping should be compatible with IMO efforts in order to keep level playing field on maritime routes.***

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) A regional market-based measure such as the ETS could seriously jeopardise the reduction of total shipping emissions since evasive port calls at non-EU neighbouring ports could even increase overall emissions, in particular when evasion leads to longer voyages to and from third countries with lower environmental standards. To that end, the European Union should avoid possible evasive action and include the evasive call to/from a non-EU neighbouring port, including non-EU transshipment ports, as a call to an EU port when calculating the emissions falling under this Directive. The scope of voyages to be reported in the Regulation 2015/757 should include a requirement to report entire voyages involving these non-EU neighbouring ports. To this aim, the definition of port call applied in the EU ETS Directive and in Regulation 2015/757 should consider the risk of carbon and business leakage arising from the implementation of a regional market-based measure. Accordingly, the definition of port call should include stops in a transshipment port of a non-EU neighbouring country and must account for, and help prevent, vessels evading the EU ETS through evasive port calls on ports in countries neighbouring the EU. Furthermore, a new definition on neighbouring transshipment port should be integrated to level out the playing field and prevent carbon leakage occurring as a result of more stringent rules applied in the EU ports as compared with the ports of non-EU countries. With the view to ensuring level playing field, the Commission should furthermore establish a list of deep-sea routes connecting two or more continents and performed by regular services covering more than 3000 km long where ships would carry out transshipment operations at any port in its route. This list should be reconsidered on annual basis by the Commission.

COMPROMISE AMENDMENT 4A

SHIPS & ACTIVITIES COVERED, GEOGRAPHICAL SCOPE (OMR including) AND PHASE IN

Supported by: EPP, Renew, ID, ECR

Replacing AMs: 21, 24, 25, 26, 27, 28, 29, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 306, 316, 385, 386, 391, 471, 474, 489, 491, 1, 64, 65, 66, 67, 68, 69, 76, 89, 232, 233, 46, MRV: 456, 457, 467

Annex I: 386, 391, 474, 475, 489, 491

Proposal for a directive

Article 3 – paragraph 1 – point -1 a (new)

Regulation (EU) 2015/757 MRV

Article 2 - paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation applies to ships above 5 000 gross tonnage in respect of CO2 emissions released during their voyages from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State.

unchanged

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2003/87/EC

Article 3a

Text proposed by the Commission

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.

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.

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3g – paragraph 1

Text proposed by the Commission

Amendment

1. The allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of fifty percent (50 %) 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, fifty percent (50 %) of the emissions from ships performing voyage departing from a port outside the jurisdiction of a Member State and

1. The allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of fifty percent (50 %) 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, fifty percent (50 %) of the emissions from ships performing voyage departing from a port outside the jurisdiction of a Member State and

arriving at a port under the jurisdiction of a Member State, one hundred percent (100 %) of 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 a Member State and one hundred percent (100 %) of emissions from ships at berth in a port under the jurisdiction of a Member State.

arriving at a port under the jurisdiction of a Member State, one hundred percent (100 %) of 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 a Member State and one hundred percent (100 %) of emissions from ships at berth in a port under the jurisdiction of a Member State.

In case of a distance between a port under the jurisdiction of a Member State and at a port outside the jurisdiction of a Member State less than [xxx] nautical miles [the Commission should recalculate the appropriate number of nautical miles], subject to an impact assessment establishing a list of port calls in neighbouring non-EU transshipment ports, the allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of 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, including transshipment ports, one hundred percent (100%) of the emissions from ships performing voyage departing from a port outside the jurisdiction of a Member State, including transshipment ports, and arriving at a port under the jurisdiction of a Member State.

Proposal for a directive OMR derogation

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3g – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. By way of derogation from Articles 3g and 3ga, Member States shall take no action against shipping companies in respect of emissions from ships performing voyages on routes between island and mainland or within islands which form part of the same insular region or area or voyages to and from ports located in an outermost region, between two different ports located in different outermost regions and between a port located in an outermost region and a port located in the same Member State or other EU Member State. Following a report to the European Parliament and the Council on possible impact of extending the scope of the EU ETS to maritime transport to and from outermost

regions, the Commission shall assess whether it is justified to end this derogation, and, where appropriate, it shall submit an amendment for that purpose.

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – introductory part

Text proposed by the Commission

Shipping companies shall be liable to surrender allowances according to the following schedule:

Amendment

Shipping companies shall be liable to surrender allowances ***in respect of the share/percentages of emissions from ships referred to in Article 3g*** according to the following schedule:

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) **25** % of verified emissions reported for ***the first year subsequent to 18 months after the entry into force of this Directive***;

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) **50** % of verified emissions reported for ***the second year subsequent to 18 months after the entry into force of this Directive***;

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) **75** % of verified emissions reported for ***the third year subsequent to 18 months after the entry into force of this Directive***;

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga – paragraph 1 – point d

Text proposed by the Commission

(d) 100 % of verified emissions reported

Amendment

(d) 100 % of verified emissions reported

for 2026 and each year thereafter.

the fourth year subsequent to 18 months after the entry into force of this Directive.

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
deleted

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3gd – paragraph 2 – point a

Text proposed by the Commission
(a) before 1 February **2024**, publish a list of shipping companies which performed a maritime activity listed in Annex I that fell within the scope defined in Article 3g on or with effect from 1 January **2023**, specifying the administering authority for each shipping company in accordance with paragraph 1; and

Amendment
(a) before 1 February ***the second year subsequent to 18 months after the entry into force of this Directive***, publish a list of shipping companies which performed a maritime activity listed in Annex I that fell within the scope defined in Article 3g on or with effect from 1 January ***the first year subsequent to 18 months after the entry into force of this Directive***, specifying the administering authority for each shipping company in accordance with paragraph 1; and

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 6 – point e

Text proposed by the Commission
(e) an obligation to surrender ***allowances equal to the total emissions of the installation*** in each calendar year, as verified in accordance with ***Article*** 15, within four months following the end of that year;

Amendment
(e) an obligation to surrender each calendar year ***allowances in accordance with provisions of this Directive***, as verified in accordance with ***Articles 3gc and*** 15, within four months following the end of that year.

Proposal for a directive

Annex – paragraph 1 – subparagraph 1 - point c - point vii

Directive 2003/87/EC

Annex I – table – ultimate row – column 1

Text proposed by the Commission

Amendment

Maritime transport

Maritime transport activities of ships covered by Regulation (EU) 2015/757 of the European Parliament and of the Council performing voyages with the purpose of transporting passengers or cargo for commercial purposes

Maritime transport

Maritime transport activities of ships covered by Regulation (EU) 2015/757 of the European Parliament and of the Council performing voyages with the purpose of transporting passengers or cargo for commercial purposes

Those activities shall not include:

a) voyages performed in the framework of a public service contract or subject to public service obligations in accordance to Council Regulation (EEC) No 3577/92;

b) voyages performed on routes to and/or from outermost regions and voyages operating within outermost regions, as specified in Article 299(2) of the Treaty;

c) voyages performed on routes between island and mainland, within islands which form part of the same insular region or area;

(d) humanitarian voyages;

(e) search and rescue voyages or parts of normal voyages by ships where search and rescue activities had to be carried out;

(f) force majeure for all or part of the voyage;

Proposal for a directive

Article 3 – paragraph 1 – point -1 a (new)

Regulation (EU) 2015/757

Article 2 – paragraph 2

Present text

Amendment

2. This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, ships not propelled by mechanical means, **or** government ships

2. This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, ships not propelled by mechanical means, government ships used

used for non-commercial purposes.

for non-commercial purposes *or ships for civil protection and search and rescue purposes.*

Proposal for a directive

Annex – paragraph 1 – subparagraph 1 - point c - point vii

Directive 2003/87/EC

Annex I – table – ultimate row – column 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
“Greenhouse gases covered by Regulation (EU) 2015/757”;	unchanged

Or. en

Proposal for a directive

Recital 16 b (new)

Whereas the maritime transport activities to be addressed in Directive 2003/87/EC include CO2 emissions from ships above 5000 gross tonnage pursuant to Regulation (EU) 2015/757, the Commission no later than [xx years after the entry into force of this directive] should analyse an added value of progressively integrating maritime emissions from smaller ships above 400 GT, possibly including also ships performing service activities for offshore installations, into the Union's framework through an impact assessment. In doing so, such ships could be subject to the Union system for monitoring, reporting and verifying CO2 emissions during a pilot phase of application of that system covering at least 2 reporting periods. Among analysed data, the Commission should consider the potential GHG emissions reduction, scale of administrative burden as well as financial consequences. Following conclusions of such an impact assessment, the Commission should present legislative proposals to the Council and the European Parliament amending Regulation (EU) 2015/757 and Directive 2003/87/EC, if appropriate.

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

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.⁴⁹ 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

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.⁴⁹ 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. ***In addition, ships operating routes included in the Motorways of the Seas or granting territorial continuity as a public service to islands should not be considered in the scope of the EU ETS, in order to avoid the concrete risk of a modal backshift to more pollutant sectors in the former case, as well as the risk of endangering territorial continuity in the latter one.*** The coverage of a share of the emissions from both incoming and

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 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.

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. ***Furthermore, in order to prevent carbon leakage due to possible reallocation of transshipment operation from EU port to transshipment port on non-EU neighbouring countries, the extension of the EU ETS to the maritime transport sector should thus include emissions from ships performing voyages arriving at a port under the jurisdiction of a Member State from a non-EU neighbouring transshipment port and emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at non-EU neighbouring transshipment port.*** 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 ***starting from the first until the third year subsequent to 18 months after the entry into force of this Directive.*** As from ***the fourth year subsequent to 18 months after the entry into force of this Directive,*** shipping companies should surrender the number of allowances corresponding to all of their verified emissions reported in the preceding year. ***However, measures should be taken to ensure that the extension of the EU ETS to maritime transport affects Member States in a fair and not disproportionate manner, taking into account their specific circumstances, such as those related to their geographical location, climate and weather conditions.***

⁴⁹ Paris Agreement, Article 4(4).

⁴⁹ Paris Agreement, Article 4(4).

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) Special consideration should be given to ships operating under a public service contract or subject to public service obligations, and ships operating to and/or from the outermost regions or island of the EU in order to promote accessibility. Therefore, a derogation from this Directive

should be provided for emissions from maritime voyages to and from the outermost regions or to and from island due to their dependency on maritime transport for territorial continuity, for import of raw materials, essential goods and other products, as well as for some exports.

Proposal for a directive
Recital 67

Text proposed by the Commission

(67) It is necessary to amend Regulation (EU) 2015/757 to take into account the inclusion of the maritime transport sector in the EU ETS. Regulation (EU) 2015/757 should be amended to oblige companies to report aggregated emissions data at company level and to submit for approval their verified monitoring plans and aggregated emissions data at company level to the responsible administering authority. In addition, the Commission should be empowered to adopt delegated acts to amend the methods for monitoring CO₂ emissions and the rules on monitoring, as well as any other relevant information set out in Regulation (EU) 2015/757, to ensure the effective functioning of the EU ETS at administrative level and to supplement Regulation (EU) 2015/757 with the rules for the approval of monitoring plans and changes thereof by administering authorities, with the rules for the monitoring, reporting and submission of the aggregated emissions data at company level and with the rules for the verification of the aggregated emissions data at company level and for the issuance of a verification report in respect of the aggregated emissions data at company level. The data monitored, reported and verified under Regulation (EU) 2015/757 might also be used for the purpose of compliance with other Union law requiring the monitoring, reporting and verification of the same ship information.

Amendment

(67) It is necessary to amend Regulation (EU) 2015/757 to take into account the inclusion of the maritime transport sector in the EU ETS. Regulation (EU) 2015/757 should be amended to oblige companies to report aggregated emissions data at company level and to submit for approval their verified monitoring plans and aggregated emissions data at company level to the responsible administering authority, ***including information on port calls in neighbouring non-EU ports.*** In addition, the Commission should be empowered to adopt delegated acts to amend the methods for monitoring CO₂ emissions and the rules on monitoring, as well as any other relevant information set out in Regulation (EU) 2015/757, to ensure the effective functioning of the EU ETS at administrative level and to supplement Regulation (EU) 2015/757 with the rules for the approval of monitoring plans and changes thereof by administering authorities, with the rules for the monitoring, reporting and submission of the aggregated emissions data at company level and with the rules for the verification of the aggregated emissions data at company level and for the issuance of a verification report in respect of the aggregated emissions data at company level. The data monitored, reported and verified under Regulation (EU) 2015/757 might also be used for the purpose of compliance with other Union law requiring the monitoring, reporting and verification of the same ship information.

COMPROMISE AMENDMENT 4B

Supported by: EPP, Renew, ID, ECR

Replacing AMs: 32, 336, 337, 338

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2003/87/EC

Article 9 – paragraph 3

Text proposed by the Commission

In [the year following entry into force of this amendment], the Union-wide quantity of allowances shall be decreased by [~~-- million allowances (to be determined depending on year of entry into force)~~]. **In the same year**, the Union-wide quantity of allowances shall be increased by **79 million** allowances for maritime transport. Starting in [the year following entry into force of this amendment], the linear factor shall be 4,2 %. The Commission shall publish the Union-wide quantity of allowances within 3 months of [date of entry into force of the amendment to be inserted].;

Amendment

In [the year ***referred into point a, paragraph 1 Article 3ga*** following entry into force of this amendment], the Union-wide quantity of allowances shall be increased by [***number corresponding to scope of application to maritime transport activities as set out in Article 3g of Directive 2003/87/EC***] allowances for maritime transport. Starting in [the year following entry into force of this amendment], the linear factor shall be 4,2 %. The Commission shall publish the Union-wide quantity of allowances within 3 months of [date of entry into force of the amendment to be inserted].;

COMPROMISE AMENDMENT 5

BONUS SYSTEM

- Art 3ga alternative fuels and transitional fuels to speed up decarbonisation
- Art 3gb maritime transport LNG in relation to security of energy supply

Supported by: EPP, Renew, ID, ECR

Replacing AMs: 282, 283, 298, 305, 307, 472, 51, 70, 71, 74, 75, 110

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga new

Text proposed by the Commission

Amendment

Article 3ga new

1. A shipping company shall receive allowances allocated for free

(a) proportional with the use of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel, verified by a scheme that is recognised by the Commission in accordance with Article 30(5) and (6) of the Directive (EU) 2018/2001,

(b) until 31 December 2030, for vessels powered by LNG [and alternative fossil fuels for a transitional phase as defined in Article 2 of [Regulation ReFuelMaritime]], with respect to 50% of the allowances the shipping company is liable to surrender for those ships.

1a. until 31 December 2030, a shipping company shall be entitled to use international credits to comply with its obligations as laid down in Article 12 up to a maximum of 6 % of its verified emissions of any calendar year when officially proving these credits are obtained participating in decarbonisation projects within the EU regions where they operate their ships

2. For each type of fuels referred in paragraph 1(a), the amount of allowances received shall correspond to the amount of allowances, which the shipping company would have been required to surrender for the same volume of conventional fuel, based on the multipliers set by the Commission according to Paragraph 3 of this Article.

3. The Commission shall publish the costs difference between different types of maritime

fuels on a yearly basis. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the amount of allowances per year to be allocated for free according to this Article, the multiplier per type of renewable and low-carbon fuels as defined in the Regulation xxx/xxx [ReFuel Maritime] and the detailed arrangements for the allocation.

4. A shipping company shall not receive allowances allocated for free for the use of biofuels and biogas that do not comply with the sustainability and greenhouse gas saving criteria set out in Article 29 of Directive (EU) 2018/2001.

5. By 1 January 2030, the multipliers referred to in paragraph 3(a) and 3(b) shall be reviewed to reflect market and technological developments.

6. By 1 January 2029, the Commission shall assess whether to postpone the phase out of free allowances referred to in paragraph 1(b) and of the use of international credits referred to in paragraph 1a beyond 31 December 2030, based on a comprehensive analysis taking into account the Best Available Technology (BAT) approach.

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC

Article 3gb new

Present text

Amendment

Until 31 December 2030, the allocation of 100% of the allowances to vessels employed for LNG imports shall be free of charge . By 1 January 2029, the Commission shall assess whether to postpone the phase-out of free allowances for vessels employed for LNG imports beyond 2030. Such assessment should be based on a BAT approach and on an evaluation of security of supply and affordability of gas procurement.

Proposal for a directive
Article 1 – paragraph 1 – point 11

Directive 2003/87/EC

Article 10 - paragraph 1

Present text

1. From 2019 onwards, Member States shall auction all allowances that are not allocated free of charge in accordance with Articles 10a and 10c of this Directive and that are not placed in the market stability reserve established by Decision (EU) 2015/1814 of the European Parliament and of the Council¹ (the ‘market stability reserve’) or cancelled in accordance with Article 12(4) of this Directive.

Amendment

1. From 2019 onwards, Member States shall auction all allowances that are not allocated free of charge in accordance with Articles 10a, **3ga, 3gb**, and 10c of this Directive and that are not placed in the market stability reserve established by Decision (EU) 2015/1814 of the European Parliament and of the Council² (the ‘market stability reserve’) or cancelled in accordance with Article 12(4) of this Directive.

Proposal for a directive

Annex I – paragraph 1 – point a

Directive 2003/87/EC

Annex I – point 1

Text proposed by the Commission

1. Installations or parts of installations used for research, development and testing of new products and processes, ***and installations where emissions from the combustion of biomass that complies with the criteria set out pursuant to Article 14 contribute to more than 95 % of the total greenhouse gas emissions*** are not covered by this Directive.

Amendment

1. Installations or parts of installations used for research, development and testing of new products and processes, are not covered by this Directive.

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) The EU ETS should contribute to effectively decarbonising maritime transport activities as much as possible. The transition from fossil fuels to renewable and low-carbon fuels will play a considerable role in that

¹ Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system and amending Directive 2003/87/EC (OJ L 264, 9.10.2015, p. 1).

² Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system and amending Directive 2003/87/EC (OJ L 264, 9.10.2015, p. 1).

process. However, taking into account the challenges for abating emissions in the maritime sector due to the current lack of viable low-emission power train technologies as recognized in the Commission's Sustainable and Smart Mobility Strategy and considering the high level of competition between shipping companies and the important price differential between conventional fuels and renewable and low-carbon fuels, this transition should be supported through economic incentives that reflect the environmental benefit of alternative fuels and make them more competitive for shipping companies thereby avoiding carbon leakage. For this purpose, free allowances should be allocated to shipping companies, in proportion to the amount of alternative fuels used and reported. The amount of allowances allocated for free should be adjusted with multipliers in order to take into account that some types of alternative fuels deliver higher environmental benefits and are more costly to purchase for shipping companies. The Commission should regularly review the level of the multipliers based on fuels market price information.

In addition, the European Parliament's Resolution on "Maritime efficient and cleaner maritime transport" of April 2021, recognised the importance of transitional technologies, such as LNG and LNG infrastructure, in the maritime sector. The use of such technologies should therefore be supported during an initial transitional phase through a partial allocation of free allowances.

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

Text proposed by the Commission

Amendment

(17 b) Where necessary, the Commission should review Regulation 2015/757, to ensure that the information on the use of all types of alternative fuels, is available for the purpose of determining the amount of free allowances under the EU ETS.

**Proposal for a directive
Recital 42**

Text proposed by the Commission

(42) The exclusion of installations using exclusively biomass from the EU ETS ***has led to situations where installations combusting a high share of biomass have obtained windfall profits by receiving free allowances greatly exceeding actual emissions. Therefore, a*** threshold value for zero-rated biomass combustion should be ***introduced above which installations are excluded from the EU ETS. The threshold value of 95 % is in line with the uncertainty parameter set out in Article 2(16) of Commission Delegated Regulation (EU) 2019/331***⁵⁶.

Amendment

(42) The ***further*** exclusion of installations using exclusively biomass from the EU ETS ***will lead to a lack of certainty over updating the benchmark values for free allocation and disincentive a full transition to a zero-carbon energy source. A 100%*** threshold value for zero-rated biomass combustion should be ***maintained for*** installations ***to be*** excluded from the EU ETS.

COMPROMISE AMENDMENT 5A

BONUS SYSTEM AVIATION

Supported by: EPP, Renew, ID, ECR

Replacing AMs: 377, 378, 379, 223, 224, 225, 226, 227

The text of Article 3e and Article 23 of Directive 2003/87/EC as adopted in the TRAN opinion on ETS aviation

COMPROMISE AMENDMENT 6

IMO PROGRESS

Supported by: EPP, Renew, ID, ECR, The Left

Replacing AMs: 22, 23, 279, 280, 281, 315, 318, 319, 320, 321, 322, 2, 78, 79, 80, 235, 323

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2003/87/EC

Article 3g – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The European Commission shall pursue with the establishment of global market-based measure in partnership with the International Maritime Organization (IMO) in order to

- ***cover 100% of the CO2 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 a Members State and the emissions from ships at berth in a port under the jurisdiction of a Member State, and***
- ***extend the scope of the EU ETS for maritime transport to one hundred percent (100%) for 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 emissions from ships performing voyages from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State.***

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ge – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall consider possible amendments in relation to the

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 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.

adoption by the International Maritime Organization of a global market-based measure to reduce greenhouse gas emissions from maritime transport ***in order to ensure and catalyse a global approach***. 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, ***consulting, where appropriate, with Scientific Advisory Board on Climate Change***, shall present a report to the European Parliament and to the Council in which it shall examine any 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 ***in order to align EU legislation with measures taken at global level***.

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 ***every second year following the entry into force of this Directive and in particular 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. ***Furthermore, the Commission should advocate rigorously on the international level for establishing global market-based measure in partnership with the International Maritime Organization (IMO) in order to extend the scope of the EU ETS for maritime transport, when appropriate.***

COMPROMISE AMENDMENT 7A

DEDICATED MARITIME FUND

Supported by: EPP, Renew, ID, ECR

Replacing AMs:

CA7A: Art 3gd 30, 309, 310, 311, 312, 313cp, 314, 358,	
Art 10(3)intro	341, 342, 343,
Art 10(3)(2)	350,
Art 10(4)	351, 352,
Rec 17c	77,
Rec 28	95
Rec 14b (new)	55

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3gd new

Text proposed by the Commission

Amendment

Article 3gd new

1. A dedicated Maritime Transition Fund (“the Maritime Fund”) shall be proposed by the Commission through a legislative act in order to support and accelerate projects, investments, innovations and first industrial application facilitating decarbonisation in the EU maritime sector, including short sea shipping and ports;

2. The Maritime Fund shall constitute an integral part of the EU budget and shall be fully budgeted within the MFF ceilings. The budgetary envelope for this programme shall be expressed as an amount set at a level equivalent to 75% of the revenue expected from the auctioning of maritime allowances; The Fund shall operate in shared management with the Member States under Regulation (EU) 2021/1060 of the European Parliament and of the Council;

3. The dedicated Maritime Fund shall support the transition to energy efficient and climate resilient EU maritime sector supporting development of innovative technologies for decarbonising the sector, production of sustainable alternative fuels as defined in Regulation on the use of sustainable, renewable, low-carbon and zero emission fuels in maritime transport XXX/XXX, including systems for collection of raw materials for alternative fuels, investments in

research and development and first industrial application of technologies and designs reducing GHG emissions, including in the fleet, as well as the promotion of fleet renewal across the EU ship building industry, research for new engines and technologies and ports infrastructure;

4. The revenues under the Fund shall be used to contribute to the protection, restoration and better management of marine ecosystems impacted by global warming, such as marine protected areas; and to promote a crosscutting sustainable blue economy such as renewable marine energy.

5. The allocation of the MTF resources for each Member State shall take into consideration the impact of the proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC on the sector as well innovative potential of the project, and investment in question to achieve the targets as set out in this proposal for a directive.

6. The resources of the Maritime Transition Fund shall not be generated through reallocation of resources from any other EU policies, funds or programmes.

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

8. The Maritime Fund should lead by example and the Commission with Member States need to keep an open dialogue with the IMO to push for a fund on global scale to tackle the decarbonisation of the global maritime sector.

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2003/87/EC

Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall determine the use of revenues generated from the auctioning of allowances, 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 generated from the auctioning of allowances referred to in paragraph 2, with the exception of the revenues used for the compensation of

Amendment

3. Member States shall determine the use of revenues generated from the auctioning of allowances, except for the revenues established as own resources in accordance with Article 311(3) TFEU and entered in the Union budget *and the revenues transferred to the Maritime Transition Fund in accordance with Article 3gd.* Member States, shall use their revenues generated from the auctioning of

indirect carbon costs referred to in Article 10a(6), for one or more of the following;

allowances referred to in paragraph 2, with the exception of the revenues used for the compensation of indirect carbon costs referred to in Article 10a(6), for one or more of the following:

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point d

Directive 2003/87/EC

Article 10 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the timing, administration and other aspects of auctioning, including the modalities for the transfer of a share of revenues to the Union budget, in order to ensure that it is conducted in an open, transparent, harmonised and non-discriminatory manner.

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the timing, administration and other aspects of auctioning, including the modalities for the transfer of a share of revenues to the Union budget **and Maritime Fund** in order to ensure that it is conducted in an open, transparent, harmonised and non-discriminatory manner.

Proposal for a directive

Recital 17 c (new)

Text proposed by the Commission

Amendment

(17 c) A Maritime Transition Fund should be established to provide funds to the Member States to support their policies supporting the decarbonisation of the maritime transport sector . This should be achieved notably through development of innovative technologies for decarbonising the sector, production of sustainable alternative fuels as defined in Regulation on the use of renewable and low-carbon fuels in maritime transport XXX/XXX, including systems for collection of raw materials for alternative fuels, investments in research and development and first industrial application of technologies and designs reducing GHG emissions, research for new engines and technologies, and ports infrastructure. The Commission should submit legislative proposals for the creation of a Maritime Fund. The Maritime Fund should be a fully budgeted expenditure programme within the MFF. The budgetary

envelope for this programme should be expressed as an amount set at a level equivalent to 75% of the revenue expected from the auctioning of maritime allowances. The Maritime Fund should operate in shared management with the Member States under Regulation (EU) 2021/1060 of the European Parliament and of the Council.

COMPROMISE AMENDMENT 7B

USE OF AUCTIONING REVENUES

Supported by: EPP, Renew, ID, ECR

Replacing AMs:

CA7B: Art 10(3)(aa) 33,
Art 10(3)(f, fa) 344, 345, 346
Art 10(3)(h) 34, 348

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b a (new)

Directive 2003/87/EC

Article 10 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

aa. to facilitate the green transition through reinvesting the proceeds of the auctioning in the sector where the revenues come from to induce innovation and technological development, assist with the first industrial application, develop further support mechanisms and create necessary infrastructure;

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2003/87/EC

Article 10 – paragraph 3 – point f and fa

Present text

Amendment

(f) to encourage a shift to low-emission and public forms of transport;

(b a) in paragraph 3, point f is amended as follows:

"(f) to encourage a shift to low-emission and public forms of transport, in particular the development of passenger and freight rail transport, multimodal air-rail projects on the TEN-T network, rail connections with the view to reducing flights on short distances, where possible, multimodal ports."

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point c

Directive 2003/87/EC

Article 10 – paragraph 3– point (h)

Text proposed by the Commission

(h) measures intended to improve energy efficiency, district heating systems and insulation, or to provide financial support in order to address social aspects in lower- and middle-income households, including by reducing distortive taxes;;

Amendment

(h) measures intended to improve energy efficiency, district heating systems and insulation, or to provide financial support in order to address social aspects in lower- and middle-income households, ***as well as SMEs and microenterprises***, including by reducing distortive taxes;;

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point c a (new)

Directive 2003/87/EC

Article 10 – paragraph 3 – subparagraph 2

Member States shall be deemed to have fulfilled the provisions of this paragraph if they have in place and implement fiscal or financial support policies, including in particular in developing countries, or domestic regulatory policies, which leverage financial support, established for the purposes set out in the first subparagraph and which have a value equivalent to at least 50 % of the revenues generated from the auctioning of allowances referred to in paragraph 2, including all revenues from the auctioning referred to in paragraph 2, points (b) and(c).

unchanged

COMPROMISE AMENDMENT 7C

Innovation Fund

Supported by: EPP, Renew, ID, ECR

Replacing AMs:

CA7C: Art 10a(8)(1)	364,
Art 10a(8)(3)	35, 359, 360, 361, 362, 363, 365,
Art 10a(8)(3a)	36,
Art 10a(8)(4)	366,
Art 10a(8)(4a)	37,
Art 10a(8)(5)	367,
Art 10a(8)(6a)	368
Rec 33	3, 99 - 105, 106

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 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 ***enabling the deployment of alternative fuels infrastructure***, 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.

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 CO₂, 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.

Amendment

The Innovation Fund shall cover the sectors listed in Annex I, including environmentally safe carbon capture and utilisation (“CCU”) that contributes substantially to mitigating climate change, as well as products **and processes** 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 CO₂, as well as of innovative **sustainable** renewable, **low to zero-emission** energy and energy storage technologies; in geographically balanced locations. The Innovation Fund **shall** also support break-through innovative technologies **and infrastructure, including for refuelling and recharging infrastructure in ports, connection to electricity grid and other energy infrastructure, and first industrial application** to decarbonise the maritime sector and for the production of low- and zero-carbon fuels in aviation and road transport; **further development of the railway system and local public transport addressing both the physical and digital infrastructure and fleets, promoting a modal shift**. 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.

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point g
Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

In addition, the Innovation Fund shall support actions to promote the transition to an energy efficient and climate resilient EU maritime sector supporting the deployment of sustainable alternative and low carbon fuels, development of innovative and zero-emission technologies and infrastructure for decarbonising the sector.

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point g

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 4

Text proposed by the Commission

Projects in the territory of all Member States, including small-scale projects, shall be eligible. Technologies receiving support shall be innovative and not yet commercially viable at a similar scale without support but shall represent breakthrough solutions or be sufficiently mature for application at pre-commercial scale.

Amendment

unchanged

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point g

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

The Innovation Fund shall aim at a geographical balanced support of the sectors covered, taking into account specific sectoral circumstances and investment needs.

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point g

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 5

Text proposed by the Commission

The Commission shall ensure that the allowances destined for the Innovation Fund are auctioned in accordance with the principles and modalities laid down in Article 10(4). Proceeds from the auctioning shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.

Amendment

unchanged

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) The scope of the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC should be extended to support innovation in low-carbon technologies and processes that concern the consumption of fuels in the *sectors* of buildings and *road transport*. In addition, the Innovation Fund should serve to support investments to *decarbonise* the maritime transport sector, including investments in sustainable alternative fuels, such as hydrogen and ammonia that are produced from renewables, as well as zero-emission propulsion technologies like wind technologies. Considering that revenues generated from penalties raised in Regulation xxxx/xxxx [FuelEU Maritime]⁵² are allocated to the Innovation 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]. To ensure sufficient funding is available for innovation within this extended scope, the Innovation Fund should be supplemented with 50 million allowances, stemming partly from the allowances that could otherwise be auctioned, and partly from the allowances that could otherwise be allocated for free, in accordance with the current proportion of funding provided from each source to the Innovation Fund.

Amendment

(33) The scope of the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC should be extended to support *the installation of non-breakthrough technologies in industrial processes that have an enormous GHG-saving potential but are not market-ready as well as* innovation in low-carbon technologies and processes that concern the consumption of fuels in the *sector* of buildings. In addition, the Innovation Fund should serve to support investments to *accelerate the decarbonisation of* the maritime transport sector *through both investment into short-term solutions such as LNG propulsion and refuelling infrastructure and in particular development of mid-term breakthrough solutions, support for the deployment of innovative technologies*, including investments in sustainable alternative fuels *and related infrastructure*, such as hydrogen and ammonia that are produced from *sustainable* renewables, *first industrial application, refuelling and recharging infrastructure in ports, including shore side electricity supply grid connection and other energy infrastructures*, as well as zero-emission propulsion technologies like wind technologies. Considering that revenues generated from penalties raised in Regulation xxxx/xxxx [FuelEU Maritime]⁵² are allocated to the Innovation 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 innovative projects aimed at accelerating the development and deployment of *sustainable* renewable, low carbon fuels *and zero-emission fuels as well as electrification* in the maritime sector, as specified in Article 21(1) of Regulation xxxx/xxxx [FuelEU Maritime]. To ensure sufficient funding is available for innovation within this extended scope, the Innovation Fund should be supplemented with 50 million allowances, stemming partly from the allowances that could otherwise be auctioned, and partly from the allowances that could otherwise be allocated for free, in accordance

with the current proportion of funding provided from each source to the Innovation Fund. ***To foster innovation in breakthrough technologies as soon as possible, the Commission should ensure that the financing made available through the Innovation Fund is 'frontloaded' during the first years of implementation of the present Directive, while taking into account the principle of geographical balance.***

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point g

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 6 a (new)

Text proposed by the Commission

Amendment

Projects funded by the Innovation Fund are to share knowledge, where possible, with EU-based projects and researchers having a legitimate interest. The terms of knowledge-sharing shall be defined by the Commission in calls for proposals.

COMPROMISE AMENDMENT 7D

Modernisation Fund

Supported by: EPP, Renew, ID, ECR

Replacing AMs:

CA7D: Art 10d(1)(2)	38, 369, 370, 371,
Art 10d(1)(2)(a-c)	372, 373, 374,
Art 10d(1)(2)(fa)	39,
Rec 38	107, 108

Proposal for a directive

Article 1 – paragraph 1 – point 14 – point a
Directive 2003/87/EC

Article 10d – paragraph 1 – subparagraph 2

Text proposed by the Commission

The investments supported shall be consistent with the aims of this Directive, as well as the objectives of the Communication from the Commission of 11 December 2019 on The European Green Deal (*) and Regulation (EU) 2021/1119 of the European Parliament and of the Council (**) and the long-term objectives as expressed in the Paris Agreement. **No support from the Modernisation Fund shall be provided to energy generation facilities that use fossil fuels.**”;

Amendment

The investments supported shall be consistent with the aims of this Directive, as well as the objectives of the Communication from the Commission of 11 December 2019 on The European Green Deal (*) and Regulation (EU) 2021/1119 of the European Parliament and of the Council (**) and the long-term objectives as expressed in the Paris Agreement. The Modernisation Fund shall **provide support to transitional fuels and technologies, sustainable renewable fuels and technologies and zero-emission fuels and technologies**”;

Proposal for a directive

Article 1 – paragraph 1 – point 14 – point b
Directive 2003/87/EC

Article 10d – paragraph 2 – point a

Text proposed by the Commission

- (a) the generation and use of electricity from renewable sources;
- (b) heating and cooling from renewable sources;

Amendment

- (a) the generation and use of electricity from renewable sources, **from low-carbon fuels and from zero-emission fuels replacing a more carbon-intensive system**;
- (b) heating and cooling from renewable sources, **from low-carbon fuels and from zero-emission fuels replacing a more carbon-intensive system**;

(c) the improvement of demand side energy efficiency, including in transport, buildings, agriculture and waste;

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Proposal for a directive

Article 1 – paragraph 1 – point 14 – point b

Directive 2003/87/EC

Article 10d – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) investments in the deployment of alternative fuels infrastructure

Proposal for a directive

Recital 38

Text proposed by the Commission

Amendment

(38) The scope of the Modernisation Fund should be aligned with the most recent climate objectives of the Union by requiring that investments are consistent with the objectives of the European Green Deal and Regulation (EU) 2021/1119, and **eliminating** the support to any investments related to **fossil** fuels. In addition, the percentage of the Modernisation Fund that needs to be devoted to priority investments should be increased to 80 %; energy efficiency should be targeted as a priority area at the demand side; and support of households to address energy poverty, including in rural and remote areas, should be included within the scope of the priority investments.

(38) The scope of the Modernisation Fund should be aligned with the most recent climate objectives of the Union by requiring that investments are consistent with the objectives of the European Green Deal and Regulation (EU) 2021/1119, and **continuing** the support to any investments related to **sustainable transitional** fuels **and technologies**. In addition, the percentage of the Modernisation Fund that needs to be devoted to priority investments should be increased to 80 %; energy efficiency should be targeted as a priority area at the demand side; and support of households to address energy poverty, including in rural and remote areas, should be included within the scope of the priority investments.

COMPROMISE AMENDEMENT 7E

Setting aside of allowances for the Modernisation Fund and the Innovation Fund

Supported by: EPP, Renew, ID, ECR

Replacing AMs:

CA7E: Art 10(3)(1)	339,
Art 10(3)(4)	340,
MSR Art 1(5a)	450, 451
Rec 28	93, 94
Rec 63	222

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, 4 % of the total quantity of allowances between [year following the entry into force of the Directive] and 2030 ***and equivalent of 1.5% of the total quantity of allowances from the amount above 400million allowances set aside in Market Stability Reserve for the purpose of Modernisation Fund*** 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.

In addition, the equivalent of 1,5% of the total quantity of allowances between [year following the entry into force of the Directive] and 2030 from the amount above 400 million allowances set aside in Market Stability Reserve for the purpose of Innovation Fund shall be made available for the Innovation Fund established under Article 10a(8).

Any further increase of the Modernisation Fund and the Innovation Fund shall not be generated through reallocation of resources from any other EU policies, funds or programmes;

Proposal for a directive
Article 2 – paragraph 1 – point 1 – point c
Decision (EU) 2015/1814
Article 1 – paragraph 5a

Text proposed by the Commission

5a. Unless otherwise decided in the first review carried out in accordance with Article 3, from 2023 allowances held in the reserve above 400 million allowances shall ***no longer be valid.***;

Amendment

5a. Unless otherwise decided in the first review carried out in accordance with Article 3, from 2023 allowances held in the reserve above 400 million allowances shall ***be set aside for the purpose of increasing the Modernisation Fund, the Innovation Fund and prevention of triggering of the cross-sectoral correction factor.***

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 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.

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 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 ***as well as equivalent of 1.5% of the total quantity of allowances from the amount above 400 million allowances set aside in Market Stability Reserve for the purpose of Modernisation Fund*** 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. ***For the EU ETS to contribute to lowering global GHG emissions and enabling decarbonisation, a substantial share of the***

EU ETS revenues generated by the maritime sector or the equivalent amounts should be used to enable the decarbonisation of that sector and EU ports.

Proposal for a directive
Recital 63

Text proposed by the Commission

Amendment

(63) Furthermore, in order to ensure that the level of allowances that remains in the Market Stability Reserve after the invalidation is predictable, the invalidation of allowances in the reserve should no longer depend on the auction volumes of the previous year. The number of allowances in the reserve should, therefore, be fixed at a level of **400 million allowances, which corresponds to the lower threshold for the value of the TNAC.**

deleted

COMPROMISE AMENDMENT 8

IMPACT ASSESSMENT

Supported by: EPP, Renew, ID, ECR, The Left

Replacing AMs: 31, 247, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 54, 81, 82, 83, 85, 236, 234, 221

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ge – paragraph 2

Text proposed by the Commission

2. The Commission shall monitor the implementation of this Chapter **and** possible trends as regards companies seeking to avoid being bound by the requirements of this Directive. If appropriate, the Commission shall propose measures to prevent **such avoidance.**;

Amendment

2. The Commission shall monitor **and evaluate** the implementation of this Chapter, possible trends **and impacts** as regards, **inter alia, the competitiveness of the EU maritime sector and** companies seeking to avoid being bound by the requirements of this Directive **through annual reports analysing market distortions and deterioration of level playing field of the maritime sector. Among analysed trends, the Commission shall analyse changes in transshipment calls being made on ports in the Union, number of voyages coming from neighbouring ports and port calls from feeder vessels and overall changes in port traffic in the EU ports among others. In this context, the Commission shall analyse and consider the potential inclusion of ships above 400GT and off-shore supply service vessels.** If appropriate, the Commission shall propose measures to prevent **possible adverse impacts**;

When monitoring the implementation of this Chapter pursuant to the first subparagraph, the Commission shall furthermore monitor possible issues arising from the fact that the compliance of a ship with Regulation (EU) 2003/87/EC and Regulation (EU) 2015/757 is a shared responsibility of the operator as well as the registered owner, and propose measures to address loopholes, where appropriate.

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 3ge – paragraph 2a (new)

Text proposed by the Commission

Amendment

2 a. *By 1 January 2025, the Commission, in close cooperation with the stakeholders, shall assess based on real data competitiveness of the Union and its maritime sector, its ports and affected maritime and coastal regions and islands, their carbon and business leakage exposure, including the potential impacts and risk of these provisions on evasion, delocation of calls and port business to ports outside the EU, connectivity of ports in Europe by means of a comprehensive impact assessment of the Fit for 55 package. Within the same framework report, the Commission shall also examine changes in the labour market, transport freight rates, household purchasing power and supply chain interruptions. Following its result, the Commission shall develop adequate support mechanisms and determine whether it is justified to revise this Directive, and, where appropriate, it shall submit a legislative proposal for that purpose in order to reach global GHG emissions reduction and preserve a level-playing field. GHG emissions from the maritime sector have grown and are expected to grow further, therefore, alignment with a market-based measure developed in the IMO should be closely examined as a means to reach the EU’s GHG emission reduction goals and climate neutrality by 2050 as set by the Climate Law as well as to address potential negative impacts.*

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 3ge – paragraph 2b(new)

Text proposed by the Commission

Amendment

2 b. *In 202X (one year after first phase-in of ETS for maritime), the Commission shall*

prepare a report on the development of import and export costs in form of indirect costs stemming from shipping for European manufacturing. On this basis, the Commission shall propose Member States to adopt financial measures in line with the second and fourth subparagraphs of Article 10a6 in favour of sectors or subsectors which are exposed to a genuine risk of carbon leakage due to indirect costs that are actually incurred from additional transport costs passed on in maritime freight prices for the import or export of products, precursors, raw materials and commodities. These financial measures shall be in accordance with State aid rules, and in particular do not cause undue distortions of competition in the internal market.

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) ***The Commission should review the functioning of*** Directive 2003/87/EC in relation to maritime transport activities in the light of ***experience of its application, including in relation to*** possible evasive practices, ***and*** should ***then*** propose measures to ensure ***its*** effectiveness.

Amendment

(19) ***By 1 January 2025,*** the Commission should review the functioning of Directive 2003/87/EC in relation to maritime transport activities, ***through the means of an impact assessment, in close cooperation with related port authorities, shipping companies and all related stakeholders, based on real data, determining possible impacts of these provisions on carbon leakage, delocation of calls and port business to ports outside the EU, connectivity of ports in Europe and where relevant on the modal shift. The impact assessment should also specifically consider potential evasive practices establishing a list of potential business activities that do not fall under significant business activities performed at neighbouring EU port calls. Such a dedicated impact assessment is utmost important for the EU ETS to work as intended, in particular*** in the light of possible evasive practices. ***If the impact assessment determines a risk of a negative impact on the maritime sector, EU ports and on maritime and coastal regions and islands, the Commission*** should propose preventive measures to ***address it, including recommendations for specific provisions based on ports in EU sea-basins or in neighbouring EU countries, in order to*** ensure

level playing field and effectiveness towards the decarbonisation of the sector. Alignment with a market-based measure developed in the IMO should be closely examined as a means of addressing potential negative impacts of a regional EU ETS scope. In addition, the Commission should conduct a synergistic impact assessment investigating the effect of all Fit for 55 proposals, including analysis on EU competitiveness, potential risk of mobility reduction and cost effectiveness of GHG emissions reductions.

Proposal for a directive
Recital 60 a (new)

Text proposed by the Commission

Amendment

(60 a) A holistic and science-based approach is key to achieving the 2030 GHG emission reduction target and the 2050 climate neutrality objective. All measures should be drafted based on a comprehensive impact assessments analysing this Directive together with the other legislative acts in line with the European Climate Law and their consequences for different sectors of the European economy. Consequently, by 1 January 2025, the Commission should conduct such a synergistic impact assessment on the socio-economic and environmental aspects of the measures.

COMPROMISE AMENDMENT 9

ICE NAVIGATION

Supported by: EPP, Renew, ID, ECR

Replacing amendments 40, 41, 380, 381, 382, 383, 384, 387, 388, 389, 390, 488 (Annex Va), 461, 462, 463, 464, 465, 466, 468, 469, 91, 92

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point c

Directive 2003/87/EC

Article 12 – paragraph 3 – point c and subparagraphs 1a (new) and 1b (new)

Text proposed by the Commission

(c) each shipping company surrenders a number of allowances equal to its total emissions during the preceding calendar year, as verified in accordance with Article 3gc.

Amendment

(c) each shipping company surrenders a number of allowances equal to its total emissions during the preceding calendar year, as verified in accordance with Article 3gc **and Article 3ga.**

Shipping companies may surrender fewer allowances on the basis of

- ships' ice class or navigation in ice or both

By 31 December 2023 [year previous to first reporting year referred to in Article 3ga] the Commission shall adopt a delegated act pursuant to Article 23 to supplement this Directive concerning the method for surrendering an adjusted number of allowances for ice-classed vessels, including

- the methodology for calculating and determining adjustments of the emission allowances to be surrendered annually, on the basis of technical characteristics that increase emissions of ice-classed ships during their navigation at all times and any further increased emissions due to navigating in ice conditions, and

- the corresponding requirements for shipping companies intending to surrender fewer allowances on the basis of ships' ice class or navigation in ice or both.

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point c

Directive 2003/87/EC

Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States, administering Member States and administering authorities in respect of a shipping company shall ensure that allowances surrendered in accordance with the first **subparagraph** are subsequently cancelled.;

Amendment

Member States, administering Member States and administering authorities in respect of a shipping company shall ensure that allowances surrendered in accordance with the first **and second subparagraphs** are subsequently cancelled;

~~*To the extent that fewer allowances are surrendered compared to the verified emissions from maritime transport, 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.*~~

Proposal for a directive

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

Regulation (EU) 2015/757

Article 3 – points oa new, ob new

Text proposed by the Commission

Amendment

(1a) in Article 3, the following points (oa), (ob) are added:

(oa) 'navigating in ice conditions' means navigating of an ice-classed ship in a sea area within the ice edge.

(ob) "ice edge" is defined by paragraph 4.4. of the WMO Sea-Ice Nomenclature, March 2014 as the demarcation at any given time between the open sea and sea ice of any kind, whether fast or drifting.

Or. en

Proposal for a directive

Article 3 – paragraph 1 – point 4 – point -a (new)

Regulation (EU) 2015/757

Article 6 – paragraph 4

Present text

4. The monitoring plan *may* also contain information on the ice class of the ship and/or the procedures, responsibilities, formulae and data sources for determining and recording the distance travelled and the time spent at sea when navigating *through ice*.

Amendment

(-a) paragraph 4 is replaced by the following:

"4. For shipping companies aiming to surrender fewer emission allowances on the basis of ships' ice class or navigation in ice conditions or both under Directive 2003/87/EC, the monitoring plan shall also contain information on the ice class of the ship and the procedures, responsibilities, formulae and data sources for determining and recording the distance travelled and the time spent at sea when navigating in ice conditions.

Information on procedures of recording the date and time when navigating in ice conditions and whether the voyage occurs between ports under a Member State's jurisdiction, departs from a port under a Member State's jurisdiction or arrives to a port under a Member State's jurisdiction, shall also be provided

Or. en

Proposal for a directive

Article 3 – paragraph 1 – point 5 a (new)

Regulation (EU) 2015/757

Article 9 – paragraph 1

Present text

Amendment

(5 a) Article 9, paragraph 1 is amended as follows:

(a) the following point h is added:

"(h) ice-class and whether the voyage involved navigation in ice conditions, if the shipping company aims to surrender fewer emission allowances on that basis under Directive 2003/87/EC. If the voyages involved navigating in ice conditions and if the shipping company aims to surrender fewer

Companies may also monitor information relating to the ship's ice class and to navigation through ice, where applicable.

emission allowances on that basis under Directive 2003/87/EC, the information on date, time, and location when navigating in ice conditions, method used to measure fuel oil consumption, fuel consumption and the fuel's emission factor for each type of fuel when navigating in ice conditions, and distance travelled when navigating in ice conditions shall also be provided.

(b) the last subparagraph is replaced by the following:

" If the shipping company aims to surrender fewer emission allowances on the basis of ship's navigation in ice conditions under Directive 2003/87/EC, it can only apply the exception under the first subparagraph for those months when the ship does not sail in ice conditions."

Or. en

Proposal for a directive

Article 3 – paragraph 1 – point 4 – point 5b (new)

Regulation (EU) 2015/757

Article 9 – paragraph 2

Present text

2. By way of derogation from paragraph 1 of this Article and without prejudice to Article 10, a company shall be exempt from the obligation to monitor the information referred to in paragraph 1 of this Article on a per-voyage basis in respect of a specified ship, if:

- (a) all of the ship's voyages during the reporting period either start from or end at a port under the jurisdiction of a Member State; and

Amendment

(5 b) In Article 9, the introductory part of paragraph 2 is replaced by the following:

"2. By way of derogation from paragraph 1 of this Article and without prejudice to Article 10, a company shall be exempt from the obligation to monitor the information referred to in paragraph 1 of this Article on a per-voyage basis in respect of a specified ship ~~for the voyages to which it forfeits the right to surrender fewer emission allowances on the basis of the navigation in ice under Directive 2003/87/EC,~~ if:"

- (a) all of the ship's voyages during the reporting period either start from or end at a port under the jurisdiction of a Member State; and *either of the following applies*

(b) the ship, according to its schedule, performs more than 300 voyages during the reporting period.

(b) the ship, according to its schedule, performs more than 300 voyages during the reporting period *or*

(c) the company for those voyages forfeits the right to surrender fewer emission allowances on the basis of the navigation in ice under Directive 2003/87/EC

Or. en

Proposal for a directive

Article 3 – paragraph 1 – point 6 a (new)

Regulation (EU) 2015/757

Article 10 – paragraph 1 – point k a new

Text proposed by the Commission

Amendment

(6a). In Article 10, the following point (ka) is inserted:

“(ka) Companies may monitor information relating to the ship's ice class and to navigation through ice, where applicable. For shipping companies aiming to surrender fewer emission allowances on the basis of ships’ ice class or navigation in ice or both under Directive 2003/87/EC the monitoring shall separately include the ice-class, aggregated distance travelled and aggregated CO2 emissions from all voyages that involved navigating in ice conditions and total distance travelled during voyages that involved navigating in ice conditions.”

Or. en

Proposal for a directive

Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) To ensure that there is a level playing field for ships that navigate in ice conditions and other ships a specific method should be applied to take into account additional emissions related to navigation in ice conditions and additional emissions of ice-classed ships when sailing in open water, while ensuring that emissions trading

through the ETS continues to drive down emissions in the maritime sector. To that end, relevant provisions on the transfer, surrender and cancellation of allowances under Directive 2003/87/EC should be amended accordingly.

COMPROMISE AMENDMENT 10

REVIEW

Supported by: EPP, Renew, ID, ECR

Replacing amendments 447, 471, 50, 233, 236

Proposal for a directive

Article 1 – paragraph 1 – point 21a new

Directive 2003/87/EC

Article 30 j – paragraph 1

Present text

Amendment

The Commission shall keep under review this Directive with regards to regulatory simplification [and including the combined and cumulative effect of the "fit for 55" package], and, where appropriate, propose amendments to this Directive. The Commission and the competent authorities shall continuously adapt to best practice administrative procedures and take all measures to simplify the enforcement of this Directive, keeping administrative burdens to a minimum.

Proposal for a directive

Recital 67

Text proposed by the Commission

Amendment

(67) It is necessary to amend Regulation (EU) 2015/757 to take into account the inclusion of the maritime transport sector in the EU ETS. Regulation (EU) 2015/757 should be amended to oblige companies to report aggregated emissions data at company level and to submit for approval their verified monitoring plans and aggregated emissions data at company level to the responsible administering authority. In addition, the Commission should be empowered to adopt

(67) It is necessary to amend Regulation (EU) 2015/757 to take into account the inclusion of the maritime transport sector in the EU ETS. Regulation (EU) 2015/757 should be amended to oblige companies to report aggregated emissions data at company level and to submit for approval their verified monitoring plans and aggregated emissions data at company level to the responsible administering authority, ***including information on port calls in neighbouring non-EU ports.***

delegated acts to amend the methods for monitoring CO₂ emissions and the rules on monitoring, as well as any other relevant information set out in Regulation (EU) 2015/757, to ensure the effective functioning of the EU ETS at administrative level and to supplement Regulation (EU) 2015/757 with the rules for the approval of monitoring plans and changes thereof by administering authorities, with the rules for the monitoring, reporting and submission of the aggregated emissions data at company level and with the rules for the verification of the aggregated emissions data at company level and for the issuance of a verification report in respect of the aggregated emissions data at company level. The data monitored, reported and verified under Regulation (EU) 2015/757 might also be used for the purpose of compliance with other Union law requiring the monitoring, reporting and verification of the same ship information.

In addition, the Commission should be empowered to adopt delegated acts to amend the methods for monitoring CO₂ emissions and the rules on monitoring, as well as any other relevant information set out in Regulation (EU) 2015/757, to ensure the effective functioning of the EU ETS at administrative level and to supplement Regulation (EU) 2015/757 with the rules for the approval of monitoring plans and changes thereof by administering authorities, with the rules for the monitoring, reporting and submission of the aggregated emissions data at company level and with the rules for the verification of the aggregated emissions data at company level and for the issuance of a verification report in respect of the aggregated emissions data at company level. The data monitored, reported and verified under Regulation (EU) 2015/757 might also be used for the purpose of compliance with other Union law requiring the monitoring, reporting and verification of the same ship information.

Proposal for a directive
Recital 67 a (new)

Text proposed by the Commission

Amendment

(67 a) Given that this Directive will generate additional compliance costs for affected sectors, compensatory actions need to be taken in order to prevent the total level of regulatory burdens from increasing. The Commission should therefore keep under review Directive 2003/87/EC immediately as from the entry into force of this Directive and on the basis of a comprehensive overall impact assessment for the entire "fit for 55" package, elaborating on its cumulative and combined effects including as regards social costs and their distribution, competitiveness, jobs, carbon and business leakage comprehensive overall impact assessment for the entire "fit for 55" package, elaborating on its cumulative and combined effects. In particular, the Commission should put forward without delay proposals offsetting the regulatory burdens through the revision or abolishment of provisions in other EU legislative acts that generate compliance costs in the affected sectors.

COMPROMISE AMENDMENT 11

CBAM

Supported by: EPP, Renew, ID, ECR

Replacing amendments 354, 355, 356, 357, 96, 97

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point b

Directive 2003/87/EC

Article 10a – paragraph 1a

Text proposed by the Commission

1a. No free allocation shall be given in relation to the production of products listed in Annex I of Regulation [CBAM] as from the date *of application of the Carbon Border Adjustment Mechanism*.

Amendment

1a. No free allocation shall be given in relation to the production of products listed in Annex I of Regulation [CBAM] as from the date *when CBAM has fully demonstrated its effectiveness in equalising CO2 costs between imported and domestic products, as to be reported by the Commission before the end of the transitional period for the introduction of this new carbon leakage prevention tool under Article 30(2) of [CBAM Regulation]*.

The ban on giving free allocation to the production of these products, set out in the first subparagraph shall not apply to any part of the production of these products that is exported to third countries that do not have a carbon pricing mechanism similar or equivalent to the EU ETS.

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 Council⁵¹, *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

Amendment

(30) The Carbon Border Adjustment Mechanism (CBAM), established under Regulation (EU) [.../..] of the European Parliament and of the Council⁵¹, *can be* an alternative to free allocation to address the risk of carbon leakage *once assessment by the Commission has proven that the regulation is effective in preventing carbon leakage for both imports and exports*. To the extent that sectors and subsectors are covered by that measure, *sufficient and WTO-compatible safeguards should nevertheless be provided for the products intended for export and their producers. Where* free allowances *are phased*

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. 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.

out in accordance with the finding of effectiveness of CBAM by the Commission report under [CBAM Regulation], a gradual transition is essential to allow producers, importers and traders to adjust to the new regime. *Such a* 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, *taking into account the need to maintain free allowances for the products that are exported.* 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. 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.

COMPROMISE AMENDMENT 12

ETS MARKET ACCESS ARTICLE 12/ EXCESS PRICE FLUCTUATIONS ARTICLE 29A

Supported by: EPP, ID, ECR

Replacing amendments:

Art 12(1)	375, 376, 392,
Art 19	398, 399
Art 29a	397, 400
Art 1(5aa) MSR	452

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point -a (new)

Directive 2003/87/EC

Article 12 – paragraph 1

Present text

1. Member States shall ensure that allowances can be transferred between:

(a) *persons* within the Union;

(b) *persons* within the Union and persons in third countries, where such allowances are recognised in accordance with the procedure referred to in Article 25 without restrictions other than those contained in, or adopted pursuant to, this Directive

Amendment

(-a) Article 12(1) is replaced as following :

" 1. Member States shall ensure that allowances can be transferred between:

(a) *regulated entities* within the Union ;

(b) *regulated entities* within the Union and persons in third countries, where such allowances are recognised in accordance with the procedure referred to in Article 25 without restrictions other than those contained in, or adopted pursuant to, this Directive

(c) *regulated entities within the Union and financial intermediaries acting on behalf of regulated entities within the Union.*

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point e a (new)

Directive 2003/87/EC

Article 12 – paragraph 4

Present text

4. Member States shall take the necessary steps to ensure that allowances will be cancelled at any time at the request of the *person* holding them. In the event of closure of electricity generation capacity in their territory due to additional national measures, Member States may cancel allowances from the total quantity of allowances to be auctioned by them referred to in Article 10(2) up to an amount

Amendment

(e a) paragraph 4 is amended as follows:

"4. Member States shall take the necessary steps to ensure that allowances will be cancelled at any time at the request of the *regulated entity* holding them. In the event of closure of electricity generation capacity in their territory due to additional national measures, Member States may cancel allowances from the total quantity of allowances to be auctioned by them referred to

corresponding to the average verified emissions of the installation concerned over a period of five years preceding the closure. The Member State concerned shall inform the Commission of such intended cancellation in accordance with the delegated acts adopted pursuant to Article 10(4).

in Article 10(2) up to an amount corresponding to the average verified emissions of the installation concerned over a period of five years preceding the closure. The Member State concerned shall inform the Commission of such intended cancellation in accordance with the delegated acts adopted pursuant to Article 10(4).

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2003/87/EC

Article 19 – paragraph 2

Present text

2. Any person may hold allowances. The registry shall be accessible to the public and shall contain separate accounts to record the allowances held by each **person** to whom and from whom allowances are issued or transferred.

Amendment

(19 a) "Article 19(2) is replaced by the following

"2. Without prejudice to paragraph 5 of this article, besides the central and national administration accounts, only regulated entities with past, current, or predictable future ETS compliance obligations may hold allowances. The registry shall be accessible to the public and shall contain separate accounts to record the allowances held by each **entity** to whom and from whom allowances are issued or transferred.

Proposal for a directive

Article 1 – paragraph 1 – point 19 b (new)

Directive 2003/87/EC

Article 19 – paragraph 2a (new)

Present text

4. The Acts referred to in paragraph 3 shall contain appropriate modalities for the Union registry to undertake transactions and other operations to implement arrangements referred to in Article 25(1b). These Acts shall also include processes for the change and incident management for the Union registry with regard to issues in paragraph 1 of this Article. It shall contain appropriate modalities for the Union registry to ensure that initiatives of the Member States pertaining to efficiency improvement, administrative cost management and quality control measures are possible.

Amendment

(19 b) *In Article 19 the following paragraph is inserted after paragraph 2:*

"2a. Regulated entities with total annual emissions lower than 25 000 tonnes of carbon dioxide equivalent per year may mandate a natural person or a legal entity to open to operate registry accounts belonging to the regulated entity and conduct all types of transactions to which that account is entitled, on behalf of the regulated entity. Responsibility for compliance remains with the regulated entity. When mandating the natural person or the legal entity, the regulated entity shall ensure that there is no conflict of interest amongst the mandated person or entity and competent authorities, national administrators, verifiers or other

bodies subject to the provisions of this Directive.

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2003/87/EC

Article 29a – paragraph 1

Present text

1. If, for more than six consecutive months, the allowance price is more than three times the average price of allowances during the two preceding years on the European carbon market, the Commission shall immediately convene a meeting of the Committee established by Article 9 of Decision No 280/2004/EC.

Amendment

unchanged

Proposal for a directive

Article 1 – paragraph 1 – point 19 b (new)

Directive 2003/87/EC

Article 29b (new)

Present text

Amendment

Short term price volatility containment mechanism

Where, for more than 4 consecutive weeks, the average price of allowance in the auctions carried out in accordance with the act adopted under Article 10(4) is more than 15% the average price of allowance during the 4 preceding consecutive weeks in the auctions for the allowances, the Commission shall, as a matter of urgency, adopt a decision to release x million allowances covered by this Chapter from the Market Stability Reserve in accordance with Article 1a(7) of Decision (EU) 2015/1814. The European Commission shall notify three months following the decision under this article the overall impacts on the EU carbon price, market participants

and MSR. This report will be published and publicly available.

Proposal for a directive

Article 1 – paragraph 1 – point 19 c(new)

Directive 2003/87/EC

Article 29c (new)

Present text

Amendment

Temporary virtual ceiling

Where, for more than four consecutive weeks, the price of allowance in the auctions carried out in accordance with the act adopted under Article 10(4) is the double of the average price in 2021 or the triple of the average price in 2020, the Commission shall, until insert date (i.e. 31/12/2025), adopt a decision to release sufficient allowances, covered by this Chapter from the Market Stability Reserve in accordance with Article 1a(7) of Decision (EU) 2015/1814, to support the existing carbon leakage protection mechanism.

Proposal for a directive

Article 2 – paragraph 1 – point 1 – point c

Decision (EU) 2015/1814

Article 1 – paragraphs 5 and 5a

Text proposed by the Commission

5. In any given year, if the total number of allowances in circulation is between 833 million and 1 096 million, a number of allowances equal to the difference between the total number of allowances in circulation, as set out in the most recent publication as referred to in paragraph 4 of this Article, and 833 million, shall be deducted from the volume of allowances to be auctioned by the Member States under Article 10(2) of Directive 2003/87/EC and shall be placed in the reserve over a period of 12 months beginning on 1 **September** of that year. If the total number of

Amendment

5. In any given year, if the total number of allowances in circulation is between 833 million and 1 096 million, a number of allowances equal to the difference between the total number of allowances in circulation, as set out in the most recent publication as referred to in paragraph 4 of this Article, and 833 million, shall be deducted from the volume of allowances to be auctioned by the Member States under Article 10(2) of Directive 2003/87/EC and shall be placed in the reserve over a period of 12 months beginning on 1 **July** of that year. If the total number of

allowances in circulation is above 1 096 million allowances, the number of allowances to be deducted from the volume of allowances to be auctioned by the Member States under Article 10(2) of Directive 2003/87/EC and to be placed in the reserve over a period of 12 months beginning on 1 **September** of that year shall be equal to 12 % of the total number of allowances in circulation. By way of derogation from the last sentence, until 31 December 2030, the percentage shall be doubled.

Without prejudice to the total amount of allowances to be deducted pursuant to this paragraph, until 31 December 2030, allowances referred to in Article 10(2), first subparagraph, point (b), of Directive 2003/87/EC shall not be taken into account when determining Member States' shares contributing to that total amount.

5a. Unless otherwise decided in the first review carried out in accordance with Article 3, from 2023 allowances held in the reserve above 400 million allowances shall **no longer be valid**.

allowances in circulation is above 1 096 million allowances, the number of allowances to be deducted from the volume of allowances to be auctioned by the Member States under Article 10(2) of Directive 2003/87/EC and to be placed in the reserve over a period of 12 months beginning on 1 **July** of that year shall be equal to 12 % of the total number of allowances in circulation. By way of derogation from the last sentence, until 31 December 2030, the percentage shall be doubled, **if during the preceding year period on the European carbon market the average allowance price is lower than 30 EUR**.

Without prejudice to the total amount of allowances to be deducted pursuant to this paragraph, until 31 December 2030, allowances referred to in Article 10(2), first subparagraph, point (b), of Directive 2003/87/EC shall not be taken into account when determining Member States' shares contributing to that total amount.

5a. Unless otherwise decided in the first review carried out in accordance with Article 3, from 2023 allowances held in the reserve above 400 million allowances shall **be set aside for the purpose of increasing the Modernisation Fund, the Innovation Fund and prevention of triggering of the cross-sectoral correction factor**.

COMPROMISE AMENDMENT 13

ETS 2

Supported by: EPP, Renew, ID, ECR

Replacing AMs:

Proposal Art. 1(21):

Art 3	262, 263, 264, 265, 266, 267, 268, 243, 244,
Chapter IVa	42, 401, 402, 403, 404, 405, 406,
Art 30a-30i	43, 44, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446,

Proposal Art. 1(22): 448, 449,

Proposal Art. 2 (MSR):

Art 1a	45, 453, 454, 455,
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Proposal Annex I:

Annexes III, IIIa, IIIb, IV, V	47, 48, 49, 476, 477, 478, 479, 480, 481, 482, 483, 484, 487, 485, 486, 490,
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Recital 43	4, 111, 112, 113, 114, 115, 116,
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Rec 43a117,

Rec 44	118, 119, 120, 121,
Rec 44a-f	122, 123, 124, 125, 126, 127,
Rec 45	5, 128, 129, 130, 131, 132,
Rec 46	133, 134, 135, 136,
Rec 47	6, 137, 138, 139, 140, 141,
Rec 48	7, 142, 143, 144, 145, 146, 147, 148,
Rec 49	8, 149, 150, 151, 152, 153, 154,
Rec 50	9, 155, 156, 157, 158, 159, 160
Rec 51	10, 161, 162, 163, 164, 165, 166, 167,
Rec 52	11, 168, 169, 170, 171, 173,
Rec 53	174, 175, 176,
Rec 53a	177,
Rec 54	12, 178, 179, 180, 181, 182, 183,
Rec 55	13, 184, 185, 186, 187, 188, 189, 190,
Rec 56	14, 191, 192, 193, 194, 195, 196, 197,
Rec 57	15, 198, 199, 200, 201, 202, 203,
Rec 58	16, 204, 205, 206, 207, 208, 209,
Rec 59	17, 210, 211, 212, 213, 214, 215,
Rec 60	18, 216, 217, 218, 219, 220,
Rec 66	19, 228, 229, 230, 231

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Text proposed by the Commission

Amendment

(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:

deleted

(i) where the fuel passes through a tax warehouse as defined in Article 3(11) of Council Directive (EU) 2020/262(*), the authorised warehouse keeper as defined in Article 3(1) of that Directive, liable to pay the excise duty which has become chargeable pursuant to Article 7 of that Directive;

(ii) if point (i) is not applicable, any other person liable to pay the excise duty which has become chargeable pursuant to Article 7 of Directive (EU) 2020/262 in respect of the fuels covered by this Chapter;

(iii) if points (i) and (ii) are not applicable, any other person which has to be registered by the relevant competent authorities of the Member State for the purpose of being liable to pay the excise duty, including any person exempt from paying the excise duty, as referred to in Article 21(5), fourth subparagraph, of Council Directive 2003/96/EC();**

(iv) if points (i), (ii) and (iii) are not applicable, or if several persons are jointly and severally liable for payment of the same excise duty, any other person designated by a Member State .

(*) Council Directive (EU) 2020/262 of 19 December 2019 laying down the general arrangements for excise duty (OJ L 058 27.2.2020, p. 4).

() Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283 31.10.2003, p. 51).**

Directive 2003/87/EC

Article 3 – point y

Text proposed by the Commission

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 offered for sale as motor fuel or heating fuel as specified in Article 2(3) of that Directive;***

deleted

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Directive 2003/87/EC

Article 3 – point z

Text proposed by the Commission

Amendment

(z) ***‘release for consumption’ for the purposes of Chapter IVa shall have the same meaning as in Article 6(3) of Directive (EU) 2020/262.’;***

deleted

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC

Article 3 – point b

Text proposed by the Commission

Amendment

(b) ***‘emissions’ means the release of greenhouse gases from sources in an installation or the release from an aircraft performing an aviation activity listed in Annex I or from ships performing a maritime transport activity listed in Annex I of the gases specified in respect of that activity, or the release of greenhouse gases corresponding to the activity referred to in Annex III;***

(b) *‘emissions’ means the release of greenhouse gases from sources in an installation or the release from an aircraft performing an aviation activity listed in Annex I or from ships performing a maritime transport activity listed in Annex I of the gases specified in respect of that activity;*

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87

Article 3 – point d

Text proposed by the Commission

Amendment

(d) ***‘greenhouse gas emissions permit’ means the permit issued in accordance with Articles 5, 6 and 30b;***

(d) *‘greenhouse gas emissions permit’ means the permit issued in accordance with Articles 5 and 6;*

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2003/87/EC

Chapter IVa

Text proposed by the Commission

Amendment

(21) *The following Chapter IVa is inserted after Article 30:* **deleted**

“CHAPTER IVa

EMISSIONS TRADING SYSTEM FOR BUILDINGS AND ROAD TRANSPORT

[...]

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2003/87/EC

Annexes

Text proposed by the Commission

Amendment

(22) Annexes I, IIb, IV and V to Directive 2003/87/EC are amended in accordance with Annex I to this Directive, **and Annexes III, IIIa and IIIb are inserted in Directive 2003/87/EC as set out in Annex I to this Directive.**

(22) Annexes I, IIb, IV and V to Directive 2003/87/EC are amended in accordance with Annex I to this Directive.

Proposal for a directive

Article 2 – paragraph 1 – point 2

Decision (EU) 2015/1814

Article 1a

Text proposed by the Commission

Amendment

(2) *the following Article 1a is inserted:* **deleted**

“Article 1a

Operation of the Market Stability Reserve for the buildings and road transport sectors

[...]

Proposal for a directive

Annex I – point 2

Directive 2003/87/EC

Annexes III, III a, III b

Text proposed by the Commission

Amendment

(2) The following Annexes are inserted as Annexes III, IIIa and IIIb to Directive 2003/87/EC: *deleted*

“ANNEX III

ACTIVITY COVERED BY CHAPTER IVa

[...]

Proposal for a directive

Annex I – point 3 – point c

Directive 2003/87/EC

Annex IV – part C

Text proposed by the Commission

Amendment

(c) the following Part C is added: *deleted*

PART C — Monitoring and reporting of emissions corresponding to the activity referred to in Annex III

[...]

Proposal for a directive

Annex I – point 4

Directive 2003/87/EC

Annex V – part C

Text proposed by the Commission

Amendment

(4) in Annex V to Directive 2003/87/EC, the following Part C is added: *deleted*

“PART C — Verification of emissions corresponding to the activity referred to in Annex III

[...]

Proposal for a directive

Recital 43

Text proposed by the Commission

Amendment

(43) The Communication of the *deleted*

Commission on Stepping up Europe’s 2030 climate ambition⁵⁷, underlined the particular challenge to reduce the emissions in the sectors of road transport and buildings.

[...]

Proposal for a directive

Recital 44

Text proposed by the Commission

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 two new sectors should start in 2025.* **deleted**

[...]

Proposal for a directive

Recital 45

Text proposed by the Commission

Amendment

(45) *Due to the very large number of small emitters in the sectors of buildings and road transport, it is not possible to establish the point of regulation at the level of entities directly emitting greenhouse gases, as is the case for stationary installations and aviation.* **deleted**

[...]

Proposal for a directive

Recital 46

Text proposed by the Commission

Amendment

(46) *The regulated entities in the two new sectors and the point of regulation should be defined in line with the system of excise duty established by Council Directive (EU) 2020/262⁵⁸, with the necessary adaptations, as that Directive already sets a robust control system for all quantities of fuels released for consumption for the purposes of paying excise duties. End-users of fuels in those sectors should not be subject to obligations under Directive 2003/87/EC.* **deleted**

⁵⁸ Council Directive (EU) 2020/262 of 19 December 2019 laying down the general arrangements for excise duty (OJ L 58 27.2.2020, p. 4).

Proposal for a directive

Recital 47

Text proposed by the Commission

Amendment

(47) *The regulated entities falling within the scope of the emissions trading in the sectors of buildings and road transport should be subject to similar greenhouse gas emissions permit requirements as the operators of stationary installations.*

deleted

[...]

Proposal for a directive

Recital 48

Text proposed by the Commission

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.*

deleted

[...]

Proposal for a directive

Recital 49

Text proposed by the Commission

Amendment

(49) *The auctioning of allowances is the simplest and the most economically efficient method for allocating emission allowances, which also avoids windfall profits.*

deleted

[...]

Proposal for a directive

Recital 50

Text proposed by the Commission

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.*

deleted

[...]

Proposal for a directive

Recital 51

Text proposed by the Commission

Amendment

(51) *The distribution rules on auction shares are highly relevant for any auction revenues that would accrue to the Member States, especially in view of the need to strengthen the ability of the Member States to address the social impacts of a carbon price signal in the buildings and road transport sectors.*

deleted

[...]

Proposal for a directive

Recital 52

Text proposed by the Commission

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.*

deleted

[...]

Proposal for a directive

Recital 53

Text proposed by the Commission

Amendment

(53) *Reporting on the use of auctioning revenues should be aligned with the current reporting established by Regulation (EU) 2018/1999 [...]*

deleted

Proposal for a directive

Recital 54

Text proposed by the Commission

Amendment

(54) *Innovation and development of new low-carbon technologies in the sectors of buildings and road transport are crucial for ensuring the cost-efficient contribution of these sectors to the expected emission reductions. Therefore, 150 million allowances from emissions trading in the buildings and road transport sectors should also be made available to the Innovation Fund to stimulate*

deleted

the cost-efficient emission reductions.

Proposal for a directive

Recital 55

Text proposed by the Commission

Amendment

(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.*

deleted

[...]

Proposal for a directive

Recital 56

Text proposed by the Commission

Amendment

(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.*

deleted

[...]

Proposal for a directive

Recital 57

Text proposed by the Commission

Amendment

(57) *It is appropriate to introduce measures to address the potential risk of excessive price increases, which, if particularly high at the start of the buildings and road transport emissions trading, may undermine the readiness of households and individuals to invest in reducing their greenhouse gas emissions.*

deleted

[...]

Proposal for a directive

Recital 58

Text proposed by the Commission

Amendment

(58) *The application of emissions trading in the buildings and road transport sectors should be monitored by the Commission, including the degree of price convergence with the existing ETS, and, if necessary, a review should be proposed to the European Parliament and the Council to improve the*

deleted

effectiveness, administration and practical application of emissions trading for those sectors on the basis of acquired knowledge as well as increased price convergence. The Commission should be required to submit the first report on those matters by 1 January 2028.

Proposal for a directive

Recital 59

Text proposed by the Commission

Amendment

(59) In order to ensure uniform conditions for the implementation of Articles 3gd(3), 12(3b) and 14(1) of Directive 2003/87/EC, implementing powers should be conferred on the Commission.

deleted

[...]

Proposal for a directive

Recital 60

Text proposed by the Commission

Amendment

(60) In order to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles 10(4) and 10a(8) of that Directive.

deleted

[...]

Proposal for a directive

Recital 66

Text proposed by the Commission

Amendment

(66) In order to mitigate the risk of supply and demand imbalances associated with the start of emissions trading for the buildings and road transport sectors, as well as to render it more resistant to market shocks, the rule-based mechanism of the Market Stability Reserve should be applied to those new sectors.

deleted

[...]

COMPROMISE AMENDMENT 14

ENTRY INTO FORCE OF THE REVISED DIRECTIVE

Supported by: EPP, Renew, ID, ECR

Replacing AMs: 470

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with **Articles 1 and 2 of** this Directive by 31 December **2023 at the latest**. They shall **forthwith** communicate **to the Commission** the text of those **provisions**.

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December **of the subsequent year to the year of entry into force of this Directive** . They shall **immediately** communicate the text of those **measures to the Commission**.