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## REPORT

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	11503/22 REV1
Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport <ul style="list-style-type: none"><li>• Preparation for the trilogue</li></ul>

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### I. INTRODUCTION

1. On 14 July 2021, the Commission submitted to the European Parliament and the Council a proposal for a Regulation on ensuring a level playing field for sustainable air transport ('ReFuelEU Aviation'), as part of the 'fit for 55' package.
2. The role of sustainable aviation fuels (SAF) will be essential if the air transport sector is to reduce its carbon footprint from 2025. However, it should be noted that their use is currently negligible due to the lack of sufficient production. The main objective of the proposal is to increase both the demand for and supply of SAF while ensuring a level playing field across the EU air transport market.

3. The main provisions of the proposal focus mainly on the obligation for aviation fuel suppliers to ensure that all fuel is made available to aircraft operators with a minimum share of SAF as well as an obligation on aircraft operators concerning anti-tankering measures; the obligation on infrastructure in Union airports; the establishment of a transitional period for fuel suppliers; reporting obligations for both fuel suppliers and aircraft operators and rules on enforcement of the Regulation including the establishment of fines.
4. The European Parliament, designated the Committee on Transport and Tourism (TRAN) as the committee responsible for this proposal and appointed Mr Søren Gade (DK, RENEW) as the rapporteur. The European Parliament adopted its mandate for the negotiations with the Council on this proposal during the Plenary Session on the 7 July 2022.
5. The main changes introduced by the European Parliament mainly concerned the widening of the scope for both Union airport and aircraft operators; the inclusion of electricity and hydrogen in the definition of synthetic aviation fuels; an increase of the eligible feedstock for SAF; the introduction of the SAF Flexibility Mechanism similar to a Book & Claim system; the earmarking of the revenues generated from the fines to a new EU fund, the 'Sustainable Aviation Fund'; the creation of a Union labelling system as well as an increase in the percentages for targets within Annex I of the proposal especially concerning synthetic aviation fuel.
6. The European Economic and Social Committee adopted its opinion on the above proposal on 20 October 2021, while the European Committee of the Regions has not adopted an opinion.
7. The Spanish Parliament, the Senate of the Parliament of the Czech Republic and the Joint Parliamentary Committee on Transport and Communications of the Republic of Ireland have adopted opinions on the application of the principles of subsidiarity and proportionality.

## **II. WORK WITHIN THE COUNCIL**

8. On 19 July 2021, under the Slovenian Presidency, the Working Party on Aviation started its work on discussing the Commission proposal with a view to finding an agreement between all the Member States and worked on compromise texts under the Slovenian and French Presidencies.

9. The Council (TTE, Transport) held an early policy debate on 9 December 2021 to guide further work in the preparatory bodies.
10. The Council (TTE, Transport) on 2 June 2022 reached a General Approach under the French Presidency. The General Approach includes in particular new provisions on national mandates, allowing Member States to apply a higher minimum share for synthetic fuel, albeit within a limit, with very specific conditions and limited to synthetic fuels, as well as exemptions from the 'anti-tankering' provisions where particular difficulties exist for aircraft operators.

### **III. NEGOTIATIONS WITH THE EUROPEAN PARLIAMENT**

11. The first trilogue was organised on 8 September 2022 and it served to present both the Council and the European Parliament's positions and preliminarily identify the main issues of divergence. The Rapporteur mainly focused on:
  - importance of preserving the internal market and maintaining a level playing field by avoiding variations in national mandates of Member States and by including all airports located in the EU and aircraft operators within the scope of the Regulation;
  - the inclusion of hydrogen and electricity in the definition of synthetic aviation fuels and the development of the respective infrastructure at airports;
  - the level of ambition in the targets for SAF and synthetic aviation fuel.
12. The first trilogue also organised the work during the negotiations and mandated the technical level to open discussions and work on possible solutions on the basis of the classifications ("A", "B" and "C") within the four-column document<sup>1</sup> where as much progress as possible should be made on editorial and technical issues. Moreover, exploratory talks on main political points were also mandated to the technical level.
13. Technical meetings were organised on 16 September, 30 September and 7 October 2022 and the Presidency consulted the Aviation Working Party on the 9 September, 22 September and 6 October 2022.

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<sup>1</sup> ST 11503/22

14. Following the reaction by the Member States to the Parliament's amendments at the Working Party and the technical discussions held with the Parliament, the second trilogue will focus on:

- the confirmation of the work done at the technical level;
- negotiations on the Parliament's proposal of the Union labelling;
- negotiations on the role of the competent authorities and the European Union Safety Agency (EASA);
- negotiations on the SAF flexibility mechanism;
- negotiations on the scope of Union airports and Aircraft operators; and
- national mandates.

The other main political points, marked with a "C" in the four-column table annexed to this document will not be discussed in the second trilogue.

15. With regard to the technical work on editorial and technical issues, the negotiating teams prepared agreeable compromise proposals on the following Articles, containing editorial issues, 'A' points:

- Line 44 on the Subject matter;
- Lines 55, 56, 65, 66, 67, 84, 86, 87, on the use of the acronym 'SAF' instead of 'sustainable aviation fuel' all throughout the text;
- Lines 50(a) and 51(a) on 'Managing body of the airport';
- Line 55 on the definition of 'batch';
- Line 56 on the definition of 'lifecycle emissions';
- Line 62 on the definition of 'yearly aviation fuel required' concerning 'trip fuel' and 'taxi fuel';
- Line 65 on the definition of 'greenhouse gas scheme';
- Line 67 on share of SAF available at Union airports;
- Lines 67(f) and 68(a) concerning the mass balance system, except for the part in square brackets;

- Line 83 on the verification of the report of Aircraft operators;
- Lines 98 and 99 on the determination of competent authorities in respect of aircraft operators and aviation fuel suppliers;
- Line 110 on publication of the technical report by EASA;
- Lines 112(a) and (b) on supply of SAF to third countries;
- Line 142(a) on the template for aircraft operator reporting on purchases of SAF; and
- Line 142(d) on the Conversion Process.

16. The negotiating teams have also prepared a number of agreeable compromise proposals concerning more technical issues, 'B' points as follows:

- Line 76 setting the date for submission of reports by aircraft operators;
- Line 88 reporting obligation for aviation fuel suppliers towards aircraft operators;
- Line 90 setting the date for submission of reports by aviation fuel suppliers;
- Line 93 on information to be submitted in the report by aviation fuel suppliers;
- Line 94 on access to the database;
- Line 96 on designation of the competent authority;
- Line 106 in the Enforcement article;
- Line 113 on information to be included in the Report by EASA concerning price information and trends in SAF production;
- Line 114 on status of compliance of obligations by the Union airport managing body.

17. During technical meetings, the negotiating parties have also discussed and made progress on the following technical points, however as of yet, no agreeable compromise could be sought between the parties. For the following lines, work will continue at the technical level:

- Line 47 concerning the scope of the regulation;
- Line 63 on the definition of 'yearly non-tanked quantity'
- Lines 77, 78, 80, 81, 91, 92, 139, 140, 141, 142 and 142 regarding the use of the metric 'tonnes of kerosene equivalent' for aviation fuel, which both parties recognize as being directly linked to the possible introduction of hydrogen and electricity;

- Lines 71, 73 on obligation on Union airports;
- Lines 74, 100 concerning the role of competent authorities and EASA;
- Line 85 concerning allocation of free allowances under the ETS scheme;
- Lines 93(a) and 93(c) on the inclusion of aromatic hydrocarbons, naphthalenes and sulphur in the fuel supplier's report;
- Lines 102 - 108(e) (with the exception of line 106) on enforcement provisions and the Sustainable Aviation fund;
- Line 68 and 107 on compensation of shortfall by the fuel supplier;
- Lines 111, 112, 115 and 116 on data collection and publication;
- Lines 116(a) and (c) on data collection concerning aromatic hydrocarbons, naphthalenes and sulphur in aviation fuel;
- Lines 116(b), 118(c)-(e), 120(c) regarding the 'Committee procedure';
- Lines 120, 120(a), 120(b) regarding reports and review, international dimension and remote territories.

#### IV. MAIN OPEN ISSUES

##### **The scope of 'Union Airports'**

18. The European Parliament has expanded the scope of 'Union airport' in Article 3(ai), line 50, by eliminating the thresholds proposed by the Commission (excluding airports where passenger traffic was less than 1 million passengers or where freight traffic was lower than 100000 tons in the reporting period) and therefore has included in the scope all airports located in the EU except those which are located in an outermost region.<sup>1</sup> Delegations, on the other hand, based on an argument of proportionality as well as increased administrative burden on Member States, prefer to keep the same scope as proposed by the Commission, while allowing Member states to apply the Regulation to airports falling outside of the scope (line 47(a)).

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<sup>1</sup> Article 349 of the TFEU

19. Considering the importance of this provision to the Parliament, the Presidency seeks a mandate from the Member States to negotiate with Parliament a wider scope that would cover more airports, based on a minimal lowering of the threshold for passenger traffic and possibly, freight traffic, while limiting the number of new airports included in the scope. The Presidency, in these negotiations would keep in mind the arguments of proportionality as well as the increased administrative burden, as it would seek an acceptable compromise with the Parliament.

### **The Scope of 'Aircraft operators'**

20. Similar to the scope of 'Union airport', the European Parliament also considers it very important to expand the scope of 'aircraft operator' by reducing the threshold proposed by the Commission of a minimum of 729 commercial air transport flights operated by the operator to a minimum of 52 flights and adding the possibility of an 'opt-in' for other operators who request to be considered as 'aircraft operator' for the purposes of this Regulation. In its General Approach, the Council lowered the threshold proposed by the Commission to a minimum of 500 flights. However, the Parliament's insistence on this proposal may be met through a significant reduction in the threshold for all-cargo flights (see line 51). Therefore, the Presidency is seeking a mandate to negotiate with the Parliament on this basis, as well as the possible introduction of an opt-in clause for aircraft operators.

### **National Mandates**

21. With regard to "national mandates" the Parliament has a very strong negative position. Therefore, the Presidency seeks the support of the Member States to present to the Parliament, once more, the position agreed in the General Approach and negotiate in favour of it. The Presidency intends to highlight that the flexibilities granted in the general approach for national mandates are limited by safeguards that ensure that the environmental integrity and the level playing field of this Proposal are not jeopardized, while at the same time, allowing for higher ambition.

## V. OTHER OPEN ISSUES

22. On the issues of Union labelling, the role of competent authorities and of the EASA and on the SAF flexibility mechanism, the Presidency is seeking a mandate to negotiate agreeable compromises with the Parliament.
23. The Presidency wants to ensure that if a Union labelling system is to be introduced in the Regulation, the Regulation includes much more detailed provisions, that ensure that the essential elements of the labelling system are laid down in the basic act itself and that any powers given to EASA are strictly circumscribed and precisely defined to ensure that no policy making power is granted to EASA, whose role must be purely of a technical and operational nature, in line with the case-law of the Court ('*Meroni* case-law').
24. Regarding the role of the competent authorities, the Presidency intends to highlight to the Parliament that the role of the competent authorities in this Proposal must be ensured. For Member States to be able to ensure the enforcement, the competent authority must play an active role.
25. With regard to the SAF Flexibility Mechanism, the Presidency has listened to the concerns repeatedly raised by the Commission and believes that such a system would be more suited as a possible future measure to address any possible supply chain malfunctioning that might need to be addressed in the future. Consequently, the Presidency is seeking a mandate to propose a reporting obligation on the Commission to analyse by a future date, whether additional flexibility measures would be needed and appropriate to facilitate the supply and uptake of SAF (see line 120).

## VI. CONCLUSIONS

26. In view of this, the Permanent Representatives Committee is invited to:
  - examine the open issues summarised under parts IV and V above and indicate flexibility/preference concerning the suggested compromises;
  - agree to mandate the Presidency for the forthcoming second trilogue to negotiate with the European Parliament the open issues summarised under parts IV and V. In the Annex to this note, the Committee may find the four column table for reference.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport (Text with EEA relevance)**

2021/0205(COD)


Table for COREPER Meeting – 12 October 2022

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Formula				
1	2021/0205 (COD)	2021/0205 (COD)	2021/0205 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport (Text with EEA relevance)	<del>Proposal for a</del> REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport (Text with EEA relevance)	<del>Proposal for a</del> REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport (Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>COREPER Meeting - 12 Oct</b>
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,  1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,  1. [1] OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,  1. [1] OJ C , , p. .	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  _____	Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  _____	Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  _____	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	1. OJ C , , p. .	1. [1] OJ C , , p. .	1. [1] OJ C , , p. .	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) Over the past decades, air transport has played a crucial role in the Union's economy and in the everyday lives of Union citizens, as one of the best performing and most dynamic sectors of the Union economy. It has been a strong driver for economic growth, jobs, trade and tourism, as well as for connectivity and mobility for businesses and citizens alike, particularly within the Union aviation internal market. Growth in air transport services has significantly contributed to improving connectivity within the Union and with third countries, and has been a significant enabler of	(1) Over the past decades, air transport has played a crucial role in the Union's economy and in the everyday lives of Union citizens, as one of the best performing and most dynamic sectors of the Union economy. It has been a strong driver for economic growth, jobs, trade and tourism, as well as for connectivity and mobility for businesses and citizens alike, <b>as well as one of the main connector between outermost regions and the mainland</b> , particularly within the Union aviation internal market. Growth in air transport services has significantly contributed to improving connectivity, <b>fostering</b>	(1) Over the past decades, air transport has played a crucial role in the Union's economy and in the everyday lives of Union citizens, as one of the best performing and most dynamic sectors of the Union economy. It has been a strong driver for economic growth, jobs, trade and tourism, as well as for connectivity and mobility for businesses and citizens alike, particularly within the Union aviation internal market. Growth in air transport services has significantly contributed to improving connectivity within the Union and with third countries, and has been a significant enabler of	

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	the Union economy.	<b>cohesion and reducing regional disparities</b> within the Union, <b>in particular for peripheral, outermost, sparsely populated and insular regions, as well as</b> <del>and</del> with third countries, and has been a significant enabler of the Union economy.	the Union economy.	
Recital 2				
12	(2) From 2020, air transport has been one of the hardest hit sector by the COVID-19 crisis. With the perspective of an end to the pandemic in sight, it is expected that air traffic will gradually resume in the coming years and recover to its pre-crisis levels. At the same time, emissions from the sector have been increasing since 1990 and the trend of increasing emissions could return as we overcome the pandemic. Therefore, it is necessary to prepare for the future and make the necessary adjustments ensuring a well-functioning air transport market that contributes to achieving the Union's climate goals, with high levels of connectivity, safety and security.	(2) <b>The Union has established legal obligations under Regulation (EU) 2021/1119 to achieve climate neutrality by 2050 at the latest and to achieve a reduction of net greenhouse gas emissions by at least 55 % compared to 1990 by 2030. In order to achieve this, all economic sectors, including the transport sector, has to take rapid steps to decarbonise. For the aviation sector, this necessitates a strong ramp-up of the production, supply and uptake of sustainable aviation fuels.</b> From 2020, air transport has been one of the hardest hit sector by the COVID-19 crisis. <del>With the perspective of an end to the pandemic in sight,</del> It is expected that air traffic will gradually	(2) From 2020, air transport has been one of the hardest hit sector by the COVID-19 crisis. With the perspective of an end to the pandemic in sight, it is expected that air traffic will gradually resume in the coming years and recover to its pre-crisis levels. At the same time, emissions from the sector have been increasing since 1990 and the trend of increasing emissions could return as we overcome the pandemic. Therefore, it is necessary to prepare for the future and make the necessary adjustments ensuring a well-functioning air transport market that contributes to achieving the Union's climate goals, with high levels of connectivity, safety and security.	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>resume in the coming years and recover to its pre-crisis levels. <b>The International Civil Aviation Organisation estimates per annum growth in Europe of up to 3 % a year until 2050 for passenger traffic, and 2.4 % for freight traffic.</b> At the same time, emissions from the sector have been increasing since 1990 and the trend of increasing emissions could <b>quickly</b> return as we overcome the pandemic. Therefore, it is <del>necessary</del> <b>imperative</b> to prepare for the future and make the necessary adjustments ensuring a well-functioning air transport <del>market</del> <b>sector</b> that contributes <b>fully</b> to achieving the Union's climate goals, with high levels of connectivity, <b>affordability</b>, safety and security.</p>		
Recital 3				
13	(3) The functioning of the Union air transport sector is determined by its cross-border nature across the Union, and by its global dimension. The aviation internal market is one of the most integrated sectors in the Union, governed by uniform rules on	(3) The functioning of the Union air transport sector is determined by its cross-border nature across the Union, and by its global dimension. The aviation internal market is one of the most integrated sectors in the Union, governed by uniform rules on	(3) The functioning of the Union air transport sector is determined by its cross-border nature across the Union, and by its global dimension. The aviation internal market is one of the most integrated sectors in the Union, governed by uniform rules on	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	market access and operating conditions. The air transport external policy is governed by rules established at global level at the International Civil Aviation Organisation (ICAO), as well as by comprehensive multilateral or bilateral agreements between the Union or its Member States, and third countries.	market access and operating conditions. The <del>air transport</del> <b>Union's external air transport</b> policy is governed by rules established at global level at the International Civil Aviation Organisation (ICAO), <b>and in-as well as by</b> comprehensive multilateral or bilateral agreements between the Union or its Member States, and third countries. <b>It is therefore important that the Union sustains the efforts made at international, multilateral and bilateral level to promote a high level of ambition and convergence in the uptake of sustainable aviation fuels, while providing for an international level playing field.</b>	market access and operating conditions. The air transport external policy is governed by rules established at global level at the International Civil Aviation Organisation (ICAO), as well as by comprehensive multilateral or bilateral agreements between the Union or its Member States, and third countries.	
Recital 4				
14	(4) The air transport market is subject to strong competition between economic actors across the Union, for which a level playing field is indispensable. The stability and prosperity of the air transport market and its economic actors relies on a clear and harmonised policy framework where aircraft operators, airports and other	(4) The air transport market is subject to strong competition between economic actors <b>globally and</b> across the Union, for which a level playing field is indispensable. The stability and prosperity of the air transport market and its economic actors relies on a clear and harmonised policy framework where aircraft operators, airports	(4) The air transport market is subject to strong competition between economic actors across the Union, for which a level playing field is indispensable. The stability and prosperity of the air transport market and its economic actors relies on a clear and harmonised policy framework where aircraft operators, airports	


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	aviation actors can operate on the basis of equal opportunities. Where market distortions occur, they risk putting aircraft operators or airports at a disadvantage with internal or external competitors. In turn, this can result in a loss of competitiveness of the air transport industry, and a loss of air connectivity for citizens and businesses.	and other aviation actors can operate on the basis of equal <b>rules and opportunities, leading to a vibrant sector and to job opportunities.</b> <del>Where</del> <b>To a large extent intra-EU flights are part of global itineraries set in a global market. The same is valid for itineraries from non-EU to non-EU destinations through European airports. Where market distortions occur,</b> <del>distortions occur, they risk putting aircraft operators or airports</del> <b>are put at risk for</b> <del>at a disadvantage with internal or external competitors. In turn, this can result in a loss of competitiveness of the air transport industry,</del> <b>putting air transport businesses and jobs at risk,</b> and a loss of air connectivity <b>and transport choices</b> for citizens and businesses.	and other aviation actors can operate on the basis of equal opportunities. Where market distortions occur, they risk putting aircraft operators or airports at a disadvantage with internal or external competitors. In turn, this can result in a loss of competitiveness of the air transport industry, and a loss of air connectivity for citizens and businesses.	
Recital 5				
15	(5) In particular, it is essential to ensure a level playing field across the Union air transport market regarding aviation fuel, which account for a substantial share of aircraft operators' costs. Variations in fuel prices can affect	(5) In particular, it is essential to ensure a level playing field across the Union air transport market regarding aviation fuel, which account for a substantial share of aircraft operators' costs. Variations in fuel prices can affect	(5) In particular, it is essential to ensure a level playing field across the Union air transport market regarding aviation fuel, which account for a substantial share of aircraft operators' costs <b>while fostering the decarbonisation of</b>	

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	<p>significantly aircraft operators' economic performance and negatively impact competition on the market. Where differences in aviation fuel prices exist between Union airports or between Union and non-Union airports, this can lead aircraft operators to adapt their refuelling strategies for economic reasons. Fuel tankering increases aircraft's fuel consumption and results in unnecessary greenhouse gas emissions. Fuel tankering by aircraft operators accordingly undermines of the Union's efforts towards environmental protection. Some aircraft operators are able to use favourable aviation fuel prices at their home base as a competitive advantage towards other airlines operating similar routes. This can have detrimental effects on the competitiveness of the sector and be harmful to air connectivity. This Regulation should set up measures to prevent such practices in order to avoid unnecessary environmental damage as well as to restore and preserve the conditions for fair competition on the air transport market.</p>	<p>significantly aircraft operators' economic performance and negatively impact competition on the market, <b>reduce the attractiveness of the aviation sector and therefore mobility, with high fuel prices translating directly into high end-consumer fares.</b> Where differences in aviation fuel prices exist between Union airports or between Union and non-Union airports, this can lead aircraft operators to adapt their refuelling strategies for economic reasons. Fuel tankering increases aircraft's fuel consumption and results in unnecessary greenhouse gas emissions.– Fuel tankering <b>for economic reasons</b> by aircraft operators accordingly undermines of the Union's efforts towards environmental protection. Some aircraft operators are able to use favourable aviation fuel prices at their home base as a competitive advantage towards other airlines operating similar routes. This can have detrimental effects on the competitiveness of the sector, <b>leading to market distortions and</b> <del>and</del> be harmful to air connectivity. This Regulation should set up</p>	<p><b>air transport by the promotion of sustainable aviation fuels ('SAF').</b> Variations in fuel prices can affect <del>significantly</del> aircraft operators' economic performance and negatively impact competition on the market. Where differences in aviation fuel prices exist between Union airports or between Union and non-Union airports, this can lead aircraft operators to adapt their refuelling strategies for economic reasons. Fuel tankering increases aircraft's fuel consumption and results in unnecessary greenhouse gas emissions.– Fuel tankering by aircraft operators accordingly undermines <del>of</del> the Union's efforts towards environmental protection. Some aircraft operators are able to use favourable aviation fuel prices at their home base as a competitive advantage towards other airlines operating similar routes. This can have detrimental effects on the competitiveness of the sector and be harmful to air connectivity. This Regulation should set up measures to prevent such practices in order to avoid unnecessary environmental damage as well as to restore and preserve the</p>	


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		<p>measures to prevent such practices in order to avoid unnecessary environmental damage as well as to restore and preserve the conditions for fair competition on the air transport market.</p> <p><b>Nevertheless, this Regulation should also take into account the fact that fuel tankering at times occurs in order to comply with fuel safety rules and in such cases is justified by safety reasons. Furthermore, fuel tankering can be the consequence of specific operational difficulties for some aircraft operators at some airports, inter alia in terms of disproportionate longer turnaround time for aircraft or reduced airport capacity at peak times. The Commission should therefore closely monitor, evaluate and analyse cases of fuel tankering and their underlying reasons and, where appropriate, come forwards with legislative proposals to amend this Regulation.</b></p>	<p>conditions for fair competition on the air transport market.</p>	
Recital 6				
16	(6) A key objective of the common	(6) A key objective of the	(6) A key objective of the	

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	transport policy is sustainable development. This requires an integrated approach aimed at ensuring both the effective functioning of Union transport systems and protection of the environment. Sustainable development of air transport requires the introduction of measures aimed at reducing the carbon emissions from aircraft flying from Union airports. Such measures should contribute to meeting the Union’s climate objectives by 2030 and 2050.	common transport policy is sustainable development. This requires an integrated approach aimed at ensuring both the effective functioning of Union transport systems, <b>compliance with labour and social regulations</b> , and protection of the environment. Sustainable development of air transport requires the introduction of measures, <b>including economic instruments</b> , aimed at reducing the carbon emissions from aircraft flying from Union airports <b>and developing a market for the production and supply of sustainable aviation fuels</b> . Such measures should contribute to meeting the Union’s climate objectives by 2030 and 2050.	common transport policy is sustainable development. This requires an integrated approach aimed at ensuring both the effective functioning of Union transport systems and protection of the environment. Sustainable development of air transport requires the introduction of measures aimed at reducing the carbon emissions from aircraft flying from Union airports. Such measures should contribute to meeting the Union’s climate objectives by 2030 and 2050.	
Recital 7				
17	(7) The Communication on a Sustainable and Smart Mobility Strategy <sup>1</sup> adopted by the Commission in December 2020 sets a course of action for the EU transport system to achieve its green and digital transformation and become more resilient. The decarbonisation of the air transport	(7) The Communication on a Sustainable and Smart Mobility Strategy <sup>1</sup> adopted by the Commission in December 2020 sets a course of action for the EU transport system to achieve its green and digital transformation and become more resilient. The decarbonisation of the air transport	(7) The Communication on a Sustainable and Smart Mobility Strategy <sup>1</sup> adopted by the Commission in December 2020 sets a course of action for the EU transport system to achieve its green and digital transformation and become more resilient. The decarbonisation of the air transport	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>sector is a necessary and challenging process, especially in the short term. Technological advancements, pursued in European and national research and innovation aviation programmes have contributed to important emission reductions in the past decades. However, the global growth of air traffic has outpaced the sector's emissions reductions. Whereas new technologies are expected to help reducing short-haul aviation's reliance on fossil energy in the next decades, sustainable aviation fuels offer the only solution for significant decarbonisation of all flight ranges, already in the short term. However, this potential is currently largely untapped.</p> <p>1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Sustainable and Smart Mobility Strategy – putting European transport on track for the future (COM/2020/789 final), 9.12.2020.</p>	<p>sector is a necessary and challenging process, especially in the short term. Technological advancements, <b>and a clear commitment from industry</b>, pursued in European and national research and innovation aviation programmes have contributed to important emission reductions in the past decades. However, the global growth of air traffic has outpaced the sector's emissions reductions.– Whereas new technologies, <b>including the development of zero-emission electric- or hydrogen-powered aircrafts</b>, are expected to help reducing short-haul aviation's reliance on fossil energy in the next decades <b>and can play an important role in commercial aviation in the medium and long term</b>, sustainable aviation fuels offer <b>a promising</b> the only solution for significant decarbonisation of all flight ranges, <b>both in the short and already in the short medium and long term</b>. However, this potential is currently largely untapped <b>and needs support over time for the further development and deployment of sustainable aviation fuels and for</b></p>	<p>sector is a necessary and challenging process, especially in the short term. Technological advancements, pursued in European and national research and innovation aviation programmes have contributed to important emission reductions in the past decades. However, the global growth of air traffic has outpaced the sector's emissions reductions.– Whereas new technologies are expected to help reducing short-haul aviation's reliance on fossil energy in the next decades, <del>sustainable aviation fuels</del> <b>SAF</b> offer the only solution for significant decarbonisation of all flight ranges, already in the short term. However, this potential is currently largely untapped.</p> <p>1. [1] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Sustainable and Smart Mobility Strategy – putting European transport on track for the future (COM/2020/789 final), 9.12.2020.</p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p><b>research into new aircraft engines and technologies.</b></p> <p>1. [1] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Sustainable and Smart Mobility Strategy – putting European transport on track for the future (COM/2020/789 final), 9.12.2020.</p>		
Recital 7a				
17a		<p><b>(7a) The overarching principle of energy efficiency first should be implemented across all sectors, going beyond the energy system to include the transport sector, including aviation. In particular, it should be integral to policy, planning and investment decisions related to the deployment of more energy efficient engines and sustainable alternative fuels and technologies, including as regards the rapid development of planes propelled by renewable electricity or green hydrogen.</b></p>		
Recital 8				
18				


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>(8) Sustainable aviation fuels are liquid, drop-in fuels, fully fungible with conventional aviation fuel and compatible with existing aircraft engines. Several production pathways of sustainable aviation fuels have been certified at global level for use in civil or military aviation. Sustainable aviation fuels are technologically ready to play an important role in reducing emissions from air transport already in the very short term. They are expected to account for a major part of the aviation fuel mix in the medium and long term. Further, with the support of appropriate international fuel standards, sustainable aviation fuels might contribute to lowering the aromatic content of the final fuel used by an operator, thus helping to reduce other non-CO<sub>2</sub> emissions. Other alternatives to power aircraft, such as electricity or liquid hydrogen are expected to progressively contribute to the decarbonisation of air transport, beginning with short-haul flights.</p>	<p>(8) Sustainable aviation fuels are <b>aviation fuels that comprise</b> liquid, drop-in fuels, fully fungible with conventional aviation fuel and compatible with existing aircraft engines, <b>as well as hydrogen and electricity.</b>– Several production pathways of sustainable aviation fuels have been certified at global level for use in civil or military aviation. Sustainable aviation fuels are technologically ready to play an important role in reducing emissions from air transport already in the very short term. They are expected to account for a major part of the aviation fuel mix in the medium and long term. Further, with the support of appropriate international fuel standards, <b>and EASA’s support for the design of those standards,</b> sustainable aviation fuels might contribute to lowering the aromatic content of the final fuel used by an operator, thus helping to reduce other non-CO<sub>2</sub> emissions. Other <b>sustainable aviation fuels,</b> such as electricity or <b>hydrogen are very promising technologies and liquid hydrogen</b> are expected to progressively contribute to the</p>	<p>(8) <del>Sustainable aviation fuels</del><b>SAF</b> are liquid, drop-in fuels, fully fungible with conventional aviation fuel and compatible with existing aircraft engines.– Several production pathways of <del>sustainable aviation fuels</del><b>SAF</b> have been certified at global level for use in civil or military aviation. <del>Sustainable aviation fuels</del><b>SAF</b> are technologically ready to play an important role in reducing emissions from air transport already in the very short term. They are expected to account for a major part of the aviation fuel mix in the medium and long term. Further, with the support of appropriate international fuel standards, <del>sustainable aviation fuels</del><b>SAF</b> might contribute to lowering the aromatic content of the final fuel used by an operator, thus helping to reduce other non-CO<sub>2</sub> emissions. Other alternatives to power aircraft, such as electricity or liquid hydrogen are expected to progressively contribute to the decarbonisation of air transport, beginning with short-haul flights.</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>decarbonisation of air transport, beginning with short-haul flights. <b>This Regulation will further accelerate scientific development and deployment of these technologies, as well as commercial innovation in respect of them, by allowing economic operators to consider those technologies in relation to the mandate on sustainable aviation fuels, as set out in this Regulation, when those technologies become mature and commercially available. This will also increase market certainty and predictability and act as an incentive for the investments in those new technologies that are necessary.</b></p>		
Recital 9				
19	<p>(9) The gradual introduction of sustainable aviation fuels on the air transport market will represent an additional fuel cost for airlines, as such fuel technologies are currently more expensive to produce than conventional aviation fuel. This is expected to exacerbate the pre-existing issues of level playing field on the air transport market as</p>	<p>(9) The gradual introduction of sustainable aviation fuels on the air transport market will represent an additional fuel cost for airlines, as such fuel technologies are currently more expensive to produce than conventional aviation fuel. This is expected to exacerbate the pre-existing issues of level playing field on the air transport</p>	<p>(9) The gradual introduction of <del>sustainable aviation fuels</del>SAF on the air transport market will represent an additional fuel cost for airlines, as such fuel technologies are currently more expensive to produce than conventional aviation fuel. This is expected to exacerbate the pre-existing issues of level playing field on the air transport</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	regards aviation fuel, and to cause further distortions among aircraft operators and airports. This regulation should take measures to prevent that the introduction of sustainable aviation fuels affects negatively the competitiveness of the aviation sector by defining harmonised requirements across the Union.	market as regards aviation fuel, and to cause further distortions among aircraft operators and airports, <b>also in the context of the implementation of CORSIA and ETS emission schemes.</b> This regulation should take measures to prevent that the introduction of sustainable aviation fuels affects negatively the competitiveness of the aviation sector by defining harmonised requirements across the Union-, <b>including common definitions and common EU-level target-setting</b>	market as regards aviation fuel, and to cause further distortions among aircraft operators and airports. This regulation should take measures to prevent that the introduction of <del>sustainable aviation fuels</del> <b>SAF</b> affects negatively the competitiveness of the aviation sector by defining harmonised requirements across the Union.	
Recital 10				
20	(10) At global level, sustainable aviation fuels are regulated at ICAO. In particular, ICAO establishes detailed requirements on the sustainability, traceability and accounting of sustainable aviation fuels for use on flights covered by the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). While incentives are set in CORSIA and sustainable aviation fuels are considered an integral pillar of the work on the feasibility of a Long-Term Aspiration Goal	(10) At global level, sustainable aviation fuels are regulated <b>and defined</b> at ICAO. <del>In particular, ICAO establishes, where</del> <b>countries agree on</b> detailed requirements on the sustainability, traceability and accounting of <b>certified</b> sustainable aviation fuels <b>pathways</b> for use on flights covered by the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). While incentives are set in CORSIA and sustainable aviation fuels are considered an integral	(10) At global level, <del>sustainable aviation fuels</del> <b>SAF</b> are regulated at ICAO. In particular, ICAO establishes detailed requirements on the sustainability, traceability and accounting of <del>sustainable aviation fuels</del> <b>SAF</b> for use on flights covered by the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). While incentives are set in CORSIA and <del>sustainable aviation fuels</del> <b>SAF</b> are considered an integral pillar of the work on the feasibility of a Long-Term	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>for international aviation, there is currently no mandatory scheme on the use of sustainable aviation fuels for international flights. Comprehensive multilateral or bilateral air transport agreements between the EU or its Member States, and third countries generally include provisions on environmental protection. However, for the time being, such provisions do not impose on contracting parties any binding requirements on the use of sustainable aviation fuels.</p>	<p>pillar of the work on the feasibility of a Long-Term Aspiration Goal for international aviation, there is currently no mandatory scheme on the use of sustainable aviation fuels for international flights. Comprehensive multilateral or bilateral air transport agreements between the EU or its Member States, and third countries generally include provisions on environmental protection. <del>However, for the time being</del> <b>Currently</b>, such provisions do not impose on contracting parties any binding requirements on the use of sustainable aviation fuels.</p>	<p>Aspiration Goal for international aviation, there is currently no mandatory scheme on the use of <del>sustainable aviation fuels</del> <b>SAF</b> for international flights. Comprehensive multilateral or bilateral air transport agreements between the EU or its Member States, and third countries generally include provisions on environmental protection. However, for the time being, such provisions do not impose on contracting parties any binding requirements on the use of <del>sustainable aviation fuels</del> <b>SAF</b>.</p>	
Recital 10a				
20a		<p><b>(10a) In order to prevent distortions of competition in the international aviation market, that could lead to the loss of traffic flows connecting through EU airports and to carbon leakage and in order to create a global market of sustainable aviation fuels, the Union external aviation policy should take a global lead in the shift towards the use of sustainable fuels,</b></p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>engage in international negotiations to harmonise definitions and standards of sustainable air fuels and promote international convergence on the rules concerning the production, uptake and uplift of sustainable aviation fuels. It is therefore important that the Union sustains its efforts at ICAO and strives for an ambitious global system that promotes a global market for sustainable aviation fuels and provides for an international level playing field. The Commission and Member States should therefore advocate at the ICAO General Assembly to immediately start negotiations for an ambitious global policy framework at ICAO level for the uptake of sustainable aviation fuels. Once such a global policy framework is adopted, the Commission should ensure that the provisions of this Regulation are compatible, consistent and complementary to the global framework and the international standards, thereby securing a coherent implementation and a level playing field at international level. In addition,</p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>the Commission and Member States should aim to ensure that comprehensive multilateral and bilateral air transport and air services agreements integrate equivalent, binding provisions on a blending mandate for the uptake of sustainable aviation fuels. Furthermore, the Commission should regularly assess whether the provisions of this Regulation have an adverse effect on the functioning of the internal market in aviation, the sector's competitiveness, the international level playing field with regards to air carriers and airport hubs and possible re-routing leading to carbon leakage and, where appropriate, present remedies to address these adverse effects.</p>		
Recital 11				
21	<p>(11) At EU level, general rules on renewable energy for the transport sector are set out in Directive (EU) 2018/2001 of the European Parliament and of the Council<sup>1</sup>. In the past, such horizontal cross-sectoral regulatory frameworks have not proven effective to</p>	<p>(11) At EU level, general rules on renewable energy for the transport sector are set out in Directive (EU) 2018/2001 of the European Parliament and of the Council<sup>1</sup>. In the past, such horizontal cross-sectoral regulatory frameworks have not proven effective to</p>	<p>(11) At EU level, general rules on renewable energy for the transport sector are set out in Directive (EU) 2018/2001 of the European Parliament and of the Council<sup>1</sup>. In the past, such horizontal cross-sectoral regulatory frameworks have not proven effective to</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>operate a transition from fossil fuels to sustainable aviation fuel in air transport. Directive (EU) 2018/2001 and its predecessor set out overarching targets across all transport modes to be supplied with renewable fuels. As aviation is a small fuels market for which renewable fuels are more costly to produce while a fully integrated European transport market, in comparison to other transport modes, such regulatory frameworks should be complemented with aviation-specific measures to effectively boost the deployment of sustainable aviation fuels. Further, national transpositions of Directive (EU) 2018/2001 risks creating significant fragmentation in the air transport market, where national rules on sustainable aviation fuels would set out widely differing targets. This would be expected to further exacerbate the issues of level playing field in air transport.</p> <p>1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</p>	<p>operate a transition from fossil fuels to sustainable aviation fuel in air transport. Directive (EU) 2018/2001 and its predecessor set out overarching targets across all transport modes to be supplied with renewable fuels. As aviation is a small fuels market for which renewable fuels are more costly to produce while a fully integrated European transport market, in comparison to other transport modes, such regulatory frameworks -should be complemented with aviation-specific measures to effectively boost the deployment of sustainable aviation fuels. Further, national transpositions of Directive (EU) 2018/2001 risks creating significant fragmentation in the air transport market, where national rules on sustainable aviation fuels would set out widely differing targets. This would be expected to further exacerbate the issues of level playing field in air transport.</p> <p>1. [1] Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</p>	<p>operate a transition from fossil fuels to <del>sustainable aviation fuels</del>SAF in air transport. Directive (EU) 2018/2001 and its predecessor set out overarching targets across all transport modes to be supplied with renewable fuels. As aviation is a small fuels market for which renewable fuels are more costly to produce <del>while a fully integrated European transport market</del>, in comparison to other transport modes, such regulatory frameworks -should be complemented with aviation-specific measures to effectively boost the deployment of <del>sustainable aviation fuels</del>SAF. Further, national transpositions of Directive (EU) 2018/2001 risks creating significant fragmentation in the air transport market, where national rules on <del>sustainable aviation fuels</del>SAF would set out widely differing targets. This would be expected to further exacerbate the issues of level playing field in air transport.</p> <p>1. [1] Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Recital 12				
22	<p>(12) Therefore, uniform rules need to be laid down for the aviation internal market to complement Directive (EU) 2018/2001 and to deliver on its overall objectives by addressing the specific needs and requirements arising from the EU aviation internal market. In particular, the present Regulation aims to avoid a fragmentation of the aviation market, prevent possible competitive distortions between economic actors, or unfair practices of cost avoidance as regards the refuelling of aircraft operators.</p>	<p>(12) Therefore, uniform rules need to be laid down for the aviation internal market to complement Directive (EU) 2018/2001 and to deliver on its overall objectives by addressing the specific needs and requirements arising from the EU aviation internal market <b>and promoting sustainable fuels in aviation</b>. In particular, the present Regulation aims to avoid a fragmentation of the <b>Union</b> aviation market, prevent possible competitive distortions between economic actors, or unfair practices of cost avoidance as regards the refuelling of aircraft operators <b>and promote innovation and production in the Union</b>. <b>Targeted support and financing is required from Union and national levels, as well as incentivising public and private partnerships to accelerate the uptake of sustainable aviation fuels</b></p>	<p>(12) Therefore, uniform rules need to be laid down for the aviation internal market to complement Directive (EU) 2018/2001 and to deliver on its overall objectives by addressing the specific needs and requirements arising from the EU aviation internal market. In particular, the present Regulation aims to avoid a fragmentation of the aviation market, prevent possible competitive distortions between economic actors, or unfair practices of cost avoidance as regards the refuelling of aircraft operators, <b>while fostering the use of SAF. However, this Regulation should be without prejudice to the obligations laid down in Directive (EU) 2018/2001; Member States can claim the use of aviation fuels covered by this Regulation for achieving the objectives and targets laid down in that Directive subject to the conditions and within the limits of that Directive.</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Recital 13				
23	(13) This regulation aims in the first instance to set out a framework restoring and preserving a level playing field on the air transport market as regards the use of aviation fuels. Such a framework should prevent divergent requirements across the Union that would exacerbate refuelling practices distorting competition between aircraft operators or putting some airports at competitive disadvantage with others. In a second instance, it aims to gear the EU aviation market with robust rules to ensure that gradually increasing shares of sustainable aviation fuels can be introduced at EU airports without detrimental effects on the competitiveness of the EU aviation internal market.	(13) This regulation aims in the first instance to set out a framework restoring and preserving a level playing field on the air transport market as regards the use of aviation fuels. Such a framework should prevent divergent requirements across the Union that would exacerbate refuelling practices distorting competition between aircraft operators or putting some airports at competitive disadvantage with others. In a second instance, it aims to gear the EU aviation market with robust rules to ensure that gradually increasing shares of sustainable aviation fuels can be introduced at EU airports without detrimental effects on the competitiveness of the EU aviation internal market.	(13) This regulation aims in the first instance to set out a framework restoring and preserving a level playing field on the air transport market as regards the use of aviation fuels. Such a framework should prevent divergent requirements across the Union that would exacerbate refuelling practices distorting competition between aircraft operators or putting some airports at competitive disadvantage with others. In a second instance, it aims to gear the EU aviation market with robust rules to ensure that gradually increasing shares of <del>sustainable aviation fuels</del> SAF can be introduced at EU Union airports without detrimental effects on the competitiveness of the EU aviation internal market.	
Recital 14				
24	(14) It is essential to set harmonised rules across the EU internal market, applying directly and in a uniform way to aviation market actors on the one hand, and	(14) It is essential to set harmonised rules across the EU internal market, applying directly and in a uniform way to aviation market actors on the one hand, and	(14) It is essential to set harmonised rules across the EU internal market, applying directly and in a uniform way to aviation market actors on the one hand, and	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	aviation fuels market actors on the other hand. The overarching framework set out by Directive (EU) 2018/2001 should be complemented with a <i>lex specialis</i> applying to air transport. It should include gradually increasing targets for the supply of sustainable aviation fuels. Such targets should be carefully defined, taking into account the objectives of a well-functioning air transport market, the need to decarbonise the aviation sector and the current status of the sustainable aviation fuels industry.	aviation fuels market actors on the other hand. The overarching framework set out by Directive (EU) 2018/2001 should be complemented with a <i>lex specialis</i> applying to air transport. It should include gradually increasing targets for the supply of sustainable aviation fuels. Such targets should be carefully defined, taking into account the objectives of a well-functioning air transport market, the need to decarbonise the aviation sector and the current status of the sustainable aviation fuels industry-	aviation fuels market actors on the other hand. The overarching framework set out by Directive (EU) 2018/2001 should be complemented with a <i>lex specialis</i> applying to air transport. It should include gradually increasing targets for the supply of sustainable aviation fuels SAF. Such targets should be carefully defined, taking into account the objectives of a well-functioning air transport market, the need to decarbonise the aviation sector and the current status of the sustainable aviation fuels SAF industry.	
Recital 15				
25	(15) The present Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to aircraft such as military aircraft and aircraft engaged in operations for humanitarian, search, rescue, disaster relief or medical purposes, as well as customs, police and fire-fighting operations. Indeed, flights operated in such circumstances are of exceptional nature and as such	(15) The present Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to aircraft such as military aircraft and aircraft engaged in operations for humanitarian, search, rescue, disaster relief or medical purposes, as well as customs, police and fire-fighting operations. Indeed, since flights operated in such circumstances are of exceptional	(15) The present Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to aircraft such as military aircraft and aircraft engaged in operations for humanitarian, <b>repatriation and deportation</b> , search, rescue, disaster relief or medical purposes, as well as customs, police and fire-fighting operations. Indeed, flights operated in such circumstances are	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>cannot always be planned in the same way as regular flights. Due to the nature of their operations, they may not always be in a position to fulfil obligations under this Regulation, as it may represent unnecessary burden. In order to cater for a level playing field across the EU aviation single market, this regulation should cover the largest possible share of commercial air traffic operated from airports located on EU territory. At the same time, in order to safeguard air connectivity for the benefits of EU citizens, businesses and regions, it is important to avoid imposing undue burden on air transport operations at small airports. A threshold of yearly passenger air traffic and freight traffic should be defined, below which airports would not be covered by this Regulation; however, the scope of the Regulation should cover at least 95% of total traffic departing from airports in the Union. For the same reasons, a threshold should be defined to exempt aircraft operators accountable for a very low number of departures from airports located on EU territory.</p>	<p>nature and as such cannot always be planned in the same way as regular flights. Due to the nature of their operations, they may not always be in a position to fulfil obligations under this Regulation, as it may represent unnecessary burden. <b>This Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to aircraft military aircrafts or to aircrafts engaged in customs, police and fire-fighting operations.</b> In order to cater for a level playing field across the EU aviation single market, <del>this regulation should cover the largest possible share of</del> <b>and to favour the development of the SAF market and the necessary infrastructure for SAF across the entire EU, it should cover all commercial air traffic operated from airports located on EU territory.</b> At the same time, in order to safeguard air connectivity for the benefits of EU citizens, businesses and regions, <del>it is important</del> <b>to provide for the necessary flexibility to enable fuel suppliers to provide and airlines to uplift sustainable</b></p>	<p>of exceptional nature and as such cannot always be planned in the same way as regular flights. Due to the nature of their operations, they may not always be in a position to fulfil obligations under this Regulation, as it may represent unnecessary burden. In order to cater for a level playing field across the EU aviation single market, this regulation should cover the largest possible share of commercial air traffic operated from airports located on EU territory. At the same time, in order to safeguard air connectivity for the benefits of EU citizens, businesses and regions, it is important to avoid imposing undue burden on air transport operations at small airports. A threshold of yearly passenger air traffic and freight traffic should be defined, below which airports would not be covered by this Regulation; However, the scope of the Regulation should cover at least 95% of total traffic departing from airports in the Union. <b>Moreover, Member States should be able to decide that an airport located on its territory that does not reach that threshold should be treated</b></p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p><b>aviation fuels in the most cost-effective manner, and to avoid imposing an undue burden on air transport operations at small airports. A threshold of yearly passenger air traffic and freight traffic, a flexibility mechanism, including book &amp; claim elements, should be defined, below which airports would not be covered by this Regulation; however, the scope of the Regulation should cover at least 95% of total traffic departing from airports in the Union. For the same reasons, a threshold should be defined to exempt aircraft operators accountable for a very low number of departures from airports located on EU territory set up as a transitional phase. In order to prevent undue distortions of competition in the internal market, after that transitional period the requirements laid out in this Regulation should apply equally in the long term to all Union airports and to all commercial aircraft operators taking off or landing in a Union airport.</b></p>	<p><b>as a Union airport for the purposes of this Regulation and should therefore be subject to this Regulation.</b> For the same reasons, a threshold should be defined to exempt aircraft operators accountable for a very low number of departures from airports located on EU territory.</p>	
Recital 15a				

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
25a		<p><b>(15a) It is essential that less-connected European regions, such as insular and outermost regions, that often rely on aviation as the sole means of connection, are not disproportionately affected by the obligations resulting from this Regulation and that access of these regions to essential goods and services is ensured. In order to help safeguarding the air-connectivity of regions with fewer alternative transport options, attention should be paid to the possible effects of the provisions in this Regulation with regards to the affordability, competitiveness and potential price increases of air routes connecting remote regions and other areas of the Union</b></p>		
Recital 16				
26	<p>(16) Development and deployment of sustainable aviation fuels with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This should support</p>	<p>(16) Development and deployment of sustainable aviation fuels with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This should support</p>	<p>(16) Development and deployment of <del>sustainable aviation fuels</del> <b>SAF</b> with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This should</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>creating innovative and competitive fuels markets and ensure sufficient supply of sustainable aviation fuels for aviation in short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union’s efforts towards a high level of environmental protection. For this purpose, sustainable aviation fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic aviation fuels should be eligible. In particular, sustainable aviation fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise air transport already in the short term.</p>	<p>creating innovative and competitive fuels markets and ensure sufficient supply of sustainable aviation fuels for aviation in short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union’s efforts towards a high level of environmental protection. For this purpose, sustainable aviation fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic aviation fuels should be eligible. In particular, sustainable aviation fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise air transport already in the short term.</p>	<p>support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable aviation fuels SAF for aviation in short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union’s efforts towards a high level of environmental protection. For this purpose, <del>sustainable aviation fuels produced from feedstock listed in Parts A and B of Annex IX of</del> <b>all biofuels which comply with the sustainability and greenhouse gas emissions criteria laid down in Directive (EU) 2018/2001 and are certified in accordance with that Directive, with the exception of biofuels produced from ‘food and feed crops’, renewable fuels of non-biological origin and recycled carbon, as well as synthetic aviation fuels complying with the greenhouse gas emissions savings threshold referred to in that Directive</b> should be eligible. In particular, <del>sustainable aviation</del> <b>that respect, to ensure consistency with other related EU policies, the eligibility of biofuels, renewable fuels of non biological origin and</b></p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p><b>recycled carbon fuels should be based on the sustainability criteria and thresholds established in Directive 2018/2001.</b></p> <p><b>In particular, SAF</b> produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise air transport already in the short term. <b>The renewable share of fuels produced through co-processing should be eligible under the definition of SAF, as long as the renewable share is produced from feedstock listed in Directive (EU) 2018/2001 with the exception of biofuels produced from ‘food and feed crops’ as defined in Article 2, second paragraph, point 40 of that Directive, and determined in line with the methodology set out under Delegated Act [XXX].</b></p> <p><b>Synthetic low-carbon fuels for aviation achieving similar high greenhouse gas reductions as renewable fuels on non-biological origin should also be included in the scope of this Regulation.</b></p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Recital 16a				
26a			<p><b>(16a) Given their use for cosmetics and animal feed, biofuels other than advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001 and other than biofuels produced from the feedstock listed in Part B of Annex IX to that Directive supplied across Union airports by each fuel supplier should account for a maximum of 3 % for the purposes of complying with the minimum shares of SAF to be supplied at each Union airports under this Regulation.</b></p>	
Recital 16a				
26b		<p><b>(16a) It is essential that the pool of eligible sustainable feedstock be as inclusive as possible, in order to maximise the potential for scaling up the production of sustainable aviation fuels at affordable costs. The list of feedstock eligible under the present Regulation should not be static but evolving over time to</b></p>		


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>include new sustainable feedstock. For that purpose, in line with article 28(6) of Directive (EU) 2018/2001, the Commission should review at least every two years the list of feedstock set out in Parts A and B of Annex IX with a view to adding new feedstock. New feedstock added to Annex IX should become directly eligible for production of sustainable aviation fuels under the present Regulation</p>		
Recital 17				
27	<p>(17) For sustainability reasons, feed and food crop-based fuels should not be eligible. In particular, indirect land-use change occurs when the cultivation of crops for biofuels displaces traditional production of crops for food and feed purposes. Such additional demand increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional greenhouse gas emissions and loss of biodiversity concerns. Research has shown that</p>	<p>(17) For sustainability reasons, feed and food crop-based fuels, <b>including high indirect land-use change risk biofuels such as those derived from palm oil</b>, should not be eligible. In particular, indirect land-use change occurs when the cultivation of crops for biofuels displaces traditional production of crops for food and feed purposes. Such additional demand increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and</p>	<p>(17) For sustainability reasons, feed and food crop-based fuels should not be eligible. In particular, indirect land-use change occurs when the cultivation of crops for biofuels displaces traditional production of crops for food and feed purposes. Such additional demand increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional greenhouse gas emissions and loss of biodiversity concerns. Research</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels and the extent to which land with high-carbon stock is protected worldwide. The highest risks of indirect land-use change have been identified for biofuels, fuels produced from feedstock for which a significant expansion of the production area into land with high-carbon stock is observed. Accordingly, feed and food crop-based fuels should not be promoted. This approach is in line Union policy and in particular with Directive (EU) 2018/2001 which limits and sets a cap on the use of such biofuels in road and rail transport, considering their lower environmental benefits, lower performance in terms of greenhouse reduction potential and broader sustainability concerns. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of negating some or all greenhouse gas emissions savings of individual biofuels – indirect land-use change poses risks also to biodiversity.</p>	<p>peatland, causing additional greenhouse gas emissions and loss of biodiversity concerns. Research has shown that the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels and the extent to which land with high-carbon stock is protected worldwide. The highest risks of indirect land-use change have been identified for biofuels, fuels produced from feedstock for which a significant expansion of the production area into land with high-carbon stock is observed. Accordingly, feed and food crop-based fuels should not be promoted. This approach is in line Union policy and in particular with Directive (EU) 2018/2001 which limits and sets a cap on the use of such biofuels in road and rail transport, considering their lower environmental benefits, lower performance in terms of greenhouse reduction potential and broader sustainability concerns. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of</p>	<p>has shown that the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels and the extent to which land with high-carbon stock is protected worldwide. The highest risks of indirect land-use change have been identified for biofuels, fuels produced from feedstock for which a significant expansion of the production area into land with high-carbon stock is observed. Accordingly, feed and food crop-based fuels should not be promoted. This approach is in line Union policy and in particular with Directive (EU) 2018/2001 which limits and sets a cap on the use of such biofuels in road and rail transport, considering their lower environmental benefits, lower performance in terms of greenhouse reduction potential and broader sustainability concerns. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of negating some or all greenhouse gas emissions savings of individual biofuels – indirect land-use change</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>This risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. The aviation sector has currently insignificant levels of demand for food and feed crops-based biofuels, since over 99% of currently used aviation fuels are of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels by promoting their use under this Regulation. The non-eligibility of crop-based biofuels under this Regulation also minimises any risk to slow down the decarbonisation of road transport, which could otherwise result from a shift of crop-based biofuels from the road to the aviation sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector.</p>	<p>negating some or all greenhouse gas emissions savings of individual biofuels – indirect land-use change poses risks also to biodiversity. This risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. The aviation sector has currently insignificant levels of demand for food and feed crops-based biofuels, since over 99% of currently used aviation fuels are of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels by promoting their use under this Regulation. The non-eligibility of crop-based biofuels under this Regulation also minimises any risk to slow down the decarbonisation of road transport, which could otherwise result from a shift of crop-based biofuels from the road to the aviation sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector.</p>	<p>poses risks also to biodiversity. This risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. The aviation sector has currently insignificant levels of demand for food and feed crops-based biofuels, since over 99% of currently used aviation fuels are of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels by promoting their use under this Regulation. The non-eligibility of crop-based biofuels under this Regulation also minimises any risk to slow down the decarbonisation of road transport, which could otherwise result from a shift of crop-based biofuels from the road to the aviation sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector.</p>	
Recital 17a				
27a				


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p><b>(17a) Accurate and correct information about the characteristics of sustainable aviation fuels is of major importance for the proper functioning of this Regulation. In order to promote consumer confidence and ensure transparency and traceability, fuel suppliers are responsible to provide the correct information with regards to the characteristics of the fuel supplied, its sustainability characteristics and the origin of feedstock used in the production of the fuel. That information is reported in the Union Database, established under Article 28 of Directive (EU) 2018/2001 (the Renewable Energy Directive). Fuel suppliers that have been proven to have provided misleading or inaccurate information regarding the characteristics or origin of the fuels they supply should be subject to a penalty. Member States have to ensure that fuel suppliers enter timely and accurate information in the Union Database and that that information is verified and</b></p>		


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p><b>audited. In order to combat possible fraud and since a substantial part of the feedstock needed for the production of sustainable aviation fuels comes from outside the Union, it is necessary for Member States, in cooperation with the relevant European bodies, to strengthen the control mechanism for shipments, including by carrying out on-site inspections. In this respect, the Commission will publish an Implementing Regulation on sustainability certification in line with Article 30(8) of the Directive (EU) 2018/2001 in order to further harmonise and strengthen the rules on reliability, transparency and independent auditing as well as on cooperation of competent authorities of the Member States in audit supervision.</b></p>		
Recital 18				
28	<p>(18) A single, clear and robust sustainability framework is necessary to provide certainty for the aviation and fuels industries actors, on the eligibility of sustainable aviation fuels under this</p>	<p>(18) A single, clear and robust sustainability framework is necessary to provide <b>legal</b> certainty <b>and continuity</b> for the aviation and fuels industries actors, on the eligibility of sustainable aviation</p>	<p><i>deleted</i></p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>Regulation. To ensure consistency with other related EU policies, the eligibility of sustainable aviation fuels should be determined according to compliance with the sustainability criteria established in Article 29 of Directive 2018/2001<sup>1</sup>.</p> <p>1. <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&amp;from=fr">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&amp;from=fr</a></p>	<p>fuels under this Regulation. To ensure consistency with other related EU policies, the eligibility of sustainable aviation fuels should be determined according to compliance with the sustainability criteria established in Article 29 of Directive 2018/2001<sup>1</sup>.</p> <p>1. [1] <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&amp;from=fr">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&amp;from=fr</a></p>		
<i>Recital 19</i>				
29	<p>(19) The present Regulation should aim to ensure that aircraft operators can compete on the basis of equal opportunities as regards the access to sustainable aviation fuels. To avoid any distortions on the air services market, all Union airports covered by this Regulation should be supplied with uniform minimum shares of sustainable aviation fuels. Whereas the market is free to supply and use larger quantities of sustainable fuel, this Regulation should ensure that the mandatory minimum shares of sustainable aviation fuels are the same across all the covered</p>	<p>(19) The present Regulation should aim to ensure that aircraft operators can compete on the basis of equal opportunities as regards the access to sustainable aviation fuels. To avoid any distortions on the air services market, all Union airports covered by this Regulation should be supplied with uniform minimum shares of sustainable aviation fuels. Whereas the market is free to supply and use larger quantities of sustainable fuel, this Regulation should ensure that the mandatory minimum shares of sustainable aviation fuels are the same across all the covered</p>	<p>(19) The present Regulation should aim to ensure that aircraft operators can compete on the basis of equal opportunities as regards the access to <del>sustainable aviation fuels</del> SAF. To avoid <del>any</del> distortions on the air services market, <del>all</del> Union airports covered by this Regulation should be supplied with uniform minimum shares of <del>sustainable aviation fuels</del>. Whereas <del>the market is free to supply and use larger quantities of sustainable fuel</del>, this Regulation should ensure <del>that the mandatory minimum shares of sustainable aviation fuels are the same across all the covered</del></p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>airports. It supersedes any requirements established directly or indirectly at national or regional level requiring aircraft operators or aviation fuel suppliers to uptake or supply sustainable aviation fuels with different targets than the ones prescribed under this Regulation. In order to create a clear and predictable legal framework and in doing so encourage the market development and deployment of the most sustainable and innovative with growth potential to meet future needs fuel technologies, this Regulation should set out gradually increasing minimum shares of synthetic aviation fuels over time. Setting out a dedicated sub-obligation on synthetic aviation fuels is necessary in view of the significant decarbonisation potential of such fuels, and in view of their current estimated production costs. When produced from renewable electricity and carbon captured directly from the air, synthetic aviation fuels can achieve as high as 100% emissions savings compared to conventional aviation fuel. They also have notable advantages compared to other types of sustainable aviation</p>	<p>airports. <del>¶</del><b>The availability of feedstock and the production capacity of sustainable aviation fuel are not unlimited. A situation in which some Member States would adopt higher overall sustainable aviation fuel supply obligations at national level will intensify the competition for feedstock with other transport and energy sectors and could lead to shortages of supply in other regions. This would undermine the ability of aircraft operators in these regions to decarbonise, and unfairly increase the cost to those aircraft operators of compliance notably with the EU ETS, leading to market distortions and an overall competitive disadvantage. Therefore, common EU-level target setting for the overall production and for the uptake of sustainable aviation fuels should be set. This Regulation</b> supersedes any requirements established directly or indirectly at national or regional level requiring aircraft operators or aviation fuel suppliers to uptake or supply sustainable aviation fuels with</p>	<p>airports. It supersedes any requirements established directly or indirectly at national or regional level requiring aircraft operators or aviation fuel suppliers to uptake or supply sustainable aviation fuels with different targets than the ones prescribed under this Regulation<b>SAF</b>. In order to create a clear and predictable legal framework and in doing so encourage the market development and deployment of the most sustainable and innovative with growth potential to meet future needs fuel technologies, this Regulation should set out gradually increasing minimum shares of <b>SAF, including of</b> synthetic aviation fuels over time. Setting out a dedicated sub-obligation on synthetic aviation fuels is necessary in view of the significant decarbonisation potential of such fuels, and in view of their current estimated production costs. When produced from renewable electricity and carbon captured directly from the air, synthetic aviation fuels can achieve as high as 100% emissions savings compared to conventional aviation fuel. They also have notable</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>fuels with regards to resource efficiency (in particular for water needs) of the production process. However, synthetic aviation fuels' production costs are currently estimated at 3 to 6 times higher than the market price of conventional aviation fuel. Therefore, this Regulation should establish a dedicated sub-obligation for this technology. Other types of synthetic fuels, such as low carbon synthetic fuels achieving high greenhouse gas reductions, could be considered for inclusion in the scope of this Regulation in the course of future revisions, where such fuels become defined under the Renewable Energy Directive.</p>	<p>different targets than the ones prescribed under this Regulation. In order to create a clear and predictable legal framework and in doing so encourage the market development and deployment of the most sustainable and innovative with growth potential to meet future needs fuel technologies, this Regulation should set out gradually increasing minimum shares of synthetic aviation fuels over time. Setting out a dedicated sub-obligation on synthetic aviation fuels is necessary in view of the significant decarbonisation potential of such fuels, and in view of their current estimated production costs. When produced from renewable electricity and carbon captured directly from the air, synthetic aviation fuels can achieve as high as 100% emissions savings compared to conventional aviation fuel. They also have notable advantages compared to other types of sustainable aviation fuels with regards to resource efficiency (in particular for water needs) of the production process. However, synthetic aviation fuels' production costs are currently estimated at 3 to</p>	<p>advantages compared to other types of sustainable aviation fuels SAF with regards to resource efficiency (in particular for water needs) of the production process. However, synthetic aviation fuels' production costs are currently estimated at 3 to 6 times higher than the market price of conventional aviation fuel. Therefore, this Regulation should establish a dedicated sub-obligation for this technology. <del>Other types of synthetic fuels, such as low carbon synthetic fuels achieving high greenhouse gas reductions, could be considered for inclusion in the scope of this Regulation in the course of future revisions, where such</del> <b>Fuel suppliers should have the option to achieve the minimum shares laid down by this Regulation using synthetic low-carbon fuels for aviation derived from low-carbon hydrogen achieving similar high greenhouse gas reductions as renewable fuels become defined under the Renewable Energy Directive of non-biological origin.</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>6 times higher than the market price of conventional aviation fuel. Therefore, this Regulation should establish a dedicated sub-obligation for this technology. Other types of synthetic fuels, such as low carbon synthetic fuels achieving high greenhouse gas reductions, could be considered for inclusion in the scope of this Regulation in the course of future revisions, where such fuels become defined under the Renewable Energy Directive. <b>Furthermore, synthetic aviation fuels with CO<sub>2</sub> derived from direct air capture (DAC) can play an important role due to their ability to sustainably source carbon and should be further promoted.</b></p>		
Recital 19a				
29a		<p><b>(19a) The availability of feedstock and the production capacity of sustainable aviation fuel are not unlimited. An intensified competition for limited feedstock could lead to shortages of supply and market distortions and thereby negatively affect the competitiveness of the aviation</b></p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>sector as a whole. In order to ensure a level playing field and avoid a fragmentation of the internal market, harmonised requirements should apply across the Union about the minimum shares of SAF uptake. However, while ensuring the achievement of these EU harmonised volume shares in accordance with Annex I, Member States may take national measures, supportive policies and initiatives aiming at increasing the level of production and uptake of sustainable aviation fuels, including synthetic aviation fuels, on their territory, for instance by providing financial support. Such national actions should be transparent, non-discriminatory, proportionate and of a general nature open to all enterprises. Furthermore, as this Regulation does not define a maximum share of sustainable aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels uptake and supply in their overall network of operations,</p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>while avoiding fuel tankering. To this end, airlines and fuel suppliers could, by means of contractual arrangements, agree on mutual commitments to produce, supply and purchase predetermined quantities of sustainable aviation fuels, including those exceeding the minimum volume shares set out in Annex I. Such contractual arrangements may also cover liability and establish conditions for financial compensation in cases of non-delivery.</p>		
Recital 19b				
29b		<p><b>(19b) Consumer demand can play an important role in the development towards a more sustainable aviation. However, for consumers to be able to make an informed choice, more robust, reliable, independent and harmonised information is needed on the environmental impact of flights, in line with the Sustainable and Smart Mobility Strategy Action Plan. To this end, a comprehensive Union labelling system for the environmental performance of</b></p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>aviation should be established that can provide users of aviation services clear, transparent, comprehensive, user-friendly and easily understandable information about the environmental performance of aviation. This will drive consumers' choices and further promote the use of sustainable aviation fuels and other sustainability measures by aircraft operators. The European Union Aviation Safety Agency (EASA) is already responsible for environmental certification of aircraft and has been working together with stakeholders to develop an environmental labelling system for aviation that covers aircraft, aircraft operators and commercial flights. EASA should be tasked with the further development, implementation and functioning of such system to ensure independence, technical robustness and synergies with other EU measures.</p>		
Recital 20				
30	(20) It is essential to ensure that	(20) It is essential to ensure that	(20) It is essential to ensure that	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>the minimum shares of sustainable aviation fuels can be successfully supplied to the aviation market without supply shortages. For this purpose, sufficient lead-time should be planned to allow the renewable fuels industry to develop production capacity accordingly. The supply of sustainable aviation fuels should become mandatory starting in 2025. Similarly, in order to provide legal certainty and predictability to the market and drive investments durably towards sustainable aviation fuels production capacity, the terms of this Regulation should be stable over a long period of time.</p>	<p>the minimum shares of sustainable aviation fuels can be successfully supplied to the aviation market without supply shortages. For this purpose, sufficient lead-time should be planned <b>and a flexibility mechanism put in place</b> to allow the renewable fuels industry to develop production capacity accordingly <b>and to allow aviation fuel providers and aircraft operators to meet their obligations in the most cost-effective way, without reducing the overall environmental ambitions of this Regulation.</b> The supply of sustainable aviation fuels should <b>start in 2025, with the flexibility provided for in the SAF flexibility mechanism become mandatory starting in 2025.</b> Similarly, in order to provide legal certainty and predictability to the market and drive investments durably towards sustainable aviation fuels production capacity, the terms of this Regulation should be stable over a long period of time.</p>	<p>the minimum shares of <del>sustainable aviation fuels</del>SAF can be successfully supplied to the aviation market without supply shortages. For this purpose, sufficient lead-time should be planned to allow the renewable fuels industry to develop production capacity accordingly. The supply of <del>sustainable aviation fuels</del>SAF should become mandatory starting in 2025. Similarly, in order to provide legal certainty and predictability to the market and drive investments durably towards <del>sustainable aviation fuels</del>SAF production capacity, the terms of this Regulation should be stable over a long period of time.</p>	
Recital 20a				
30a			<b>(20a) As the Regulation does not</b>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>define a maximum share of SAF in all aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher SAF uptake and supply in their overall network of operations. Accordingly, the market should remain free to supply and use larger quantities of SAF than the ones needed for the application of the minimum shares laid down in this Regulation. Moreover, in order to enhance further the decarbonisation of the aviation sector and in view of the significant decarbonisation potential of synthetic aviation fuels, Member States should be able to apply during a limited period of time and up to specific ceilings higher minimum shares of such fuels as the ones laid down in this Regulation at one or several Union airport located on their territory where the minimum share of SAF, including synthetic aviation fuels, set out in this Regulation has been reached during the previous reporting period in average across Union airports or at any time before the 1 January</p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p><b>2027. Member States should also have the option of not applying such ceilings in the case of small airports, where the annual passenger non-domestic traffic is less than 2 million passengers, as such further option would not adversely affect the internal aviation market. However, where the distribution of synthetic aviation fuels across all Union airports cannot be ensured due to a structural lack of production or supply of such fuels in the Union, the Commission should adopt a decision requiring the Member States to suspend the application of such higher national minimum shares. The provisions of this Regulation should not prevent Member States from implementing dedicated measures other than the ones laid down in this Regulation aiming at facilitating the use of SAF on domestic flights.</b></p>	
Recital 21				
31	(21) With the introduction and ramp-up of sustainable aviation fuels at Union airports, practices of	(21) With the introduction and ramp-up of sustainable aviation fuels at Union airports, practices of	(21) With the introduction and ramp-up of sustainable aviation fuels SAF at Union airports,	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>fuel tankering may be exacerbated as a consequence of aviation fuel costs increases. Tankering practices are unsustainable and should be avoided as they undermine the Union’s efforts to reduce environmental impacts from transport. Those would be contrary to the aviation decarbonisation objectives as increased aircraft weight would increase fuel consumption and related emissions on a given flight. Tankering practices also put at risk the level playing field in the Union between aircraft operators, and also between airports. This Regulation should therefore require aircraft operators to refuel prior to departure from a given Union airport. The amount of fuel uplifted prior to departures from a given Union airport should be commensurate with the amount of fuel necessary to operate the flights departing from that airport, taking into account the necessary compliance with fuel safety rules. The requirement ensures that equal conditions for operations in the Union applying equally to Union and foreign operators, while ensuring high level of environmental protection. As the</p>	<p>fuel tankering <b>for economic reasons</b> may be exacerbated as a consequence of aviation fuel costs increases. Tankering practices <b>for economic reasons</b> are unsustainable and should be avoided as they undermine the Union’s efforts to reduce environmental impacts from transport. Those would be contrary to the aviation decarbonisation objectives as increased aircraft weight would increase fuel consumption and related emissions on a given flight. Tankering practices also put at risk the level playing field in the Union between aircraft operators, and also between airports. This Regulation should therefore require aircraft operators to refuel prior to departure from a given Union airport. The amount of fuel uplifted prior to departures from a given Union airport should be commensurate with the amount of fuel necessary to operate the flights departing from that airport, taking into account the necessary compliance with fuel safety rules. The requirement ensures that equal conditions for operations in the Union applying equally to Union and foreign operators, while ensuring high level of</p>	<p>practices of fuel tankering may be exacerbated as a consequence of aviation fuel costs increases. Tankering practices are <del>unsustainable</del> <b>unsustainable</b> and should be avoided as they undermine the Union’s efforts to reduce environmental impacts from transport. Those would be contrary to the aviation decarbonisation objectives as increased aircraft weight would increase fuel consumption and related emissions on a given flight. Tankering practices also put at risk the level playing field in the Union between aircraft operators, and also between airports. This Regulation should therefore require aircraft operators to refuel prior to departure from a given Union airport. The amount of fuel uplifted prior to departures from a given Union airport should be commensurate with the amount of fuel necessary to operate the flights departing from that airport, <del>taking into account the necessary compliance with</del> <b>without prejudice to the fuel reserve to be uplifted in order to comply with applicable fuel safety rules, such as in particular Commission Regulation (EU) No. 965/2012<sup>1</sup>.</b></p>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	Regulation does not define a maximum share of sustainable aviation fuels in all aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels uptake and supply in their overall network of operations, while avoiding fuel tankering.	environmental protection. As the Regulation does not define a maximum share of sustainable aviation fuels in all aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels uptake and supply in their overall network of operations, while avoiding fuel tankering. <b>To ensure a level playing field both for intra-EU and extra-EU flights, the Commission should regularly monitor, evaluate and report on fuel tankering cases.</b>	The requirement ensures that equal conditions for operations in the Union applying equally to Union and foreign operators, while ensuring high level of environmental protection. <del>As the Regulation does not define a maximum share of sustainable aviation fuels in all aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels uptake and supply in their overall network of operations, while avoiding fuel tankering.</del>  1. Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p1)	
Recital 21a				
31a			<b>(21a) However, this Regulation should provide for the possibility to exempt for a limited period of time aircraft operators from the obligation to refuel prior to departure on specific routes of</b>	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>less than 1200 kilometres departing from Union airports in case those operators can demonstrate serious and recurrent operational difficulties in refuelling aircrafts at a given Union airport preventing them from performing turnaround flights within a reasonable time, which might have an impact on connectivity especially of peripheral regions, or structural fuel supply difficulties leading to significantly higher prices of fuels compared to prices applied on average to similar types of fuels in other Union airports. The significantly higher prices at the given airport in question should not primarily be the result of the higher use of SAF at that airport.</p>	
Recital 21a				
31b		<p>(21a) The further uptake of sustainable aviation fuels, that typically have lower aromatic concentrations and lower sulphur content, will contribute to reducing the non-CO2 climate impacts. A further reduction of the aromatic and sulphur</p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>content in aviation fuels could reduce contrail cirrus formation, improve air quality in and around airports, and increase the quality of the fuel for the benefit of airlines, both through high energy density and lower maintenance costs due to lower soot levels. However, reducing the aromatic concentrations in aviation fuels needs to be done while adhering to international fuel safety rules and preserving an international level playing field. Therefore, EASA should monitor the aromatics and sulphur content of conventional aviation fuels. The Commission should, by 1 January 2025 at the latest, present a report to the European Parliament and to the Council assessing possible measures, including, where appropriate, legislative proposals and fuel quality standards, to optimise the aromatic content in aviation fuel.</p>		
Recital 21b				
31c		(21b) In addition to its climate warming effects, aviation also negatively impacts air quality.		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>The most significant pollutants are particulate matter (PM), including ultra-fine particles, nitrogen oxides (NOX) and volatile organic compounds (VOCs), with some of these primary pollutants producing other pollutants<sup>1</sup>. While more research is needed on the health effects of ultrafine particles, several studies have demonstrated short-term and long-term effects of exposure to ultrafine particles, including mortality, cardiovascular, ischemic heart disease and pulmonary morbidity<sup>2</sup>. Air pollution also contributes to biodiversity loss through damage to ecosystems. [</p> <p>1. EASA, aviation and air pollution:  <a href="https://www.easa.europa.eu/eaer/topics/adapting-changing-climate/air-quality">https://www.easa.europa.eu/eaer/topics/adapting-changing-climate/air-quality</a>.  2. WHO Global Air Quality Guidelines 2021:  <a href="https://apps.who.int/iris/bitstream/handle/10665/345329/9789240034228-eng.pdf?sequence=1&amp;isAllowed=y">https://apps.who.int/iris/bitstream/handle/10665/345329/9789240034228-eng.pdf?sequence=1&amp;isAllowed=y</a>.</p>		
Recital 22				
32	(22) Airports covered by this Regulation should ensure that all	(22) Airports covered by this Regulation should <del>It is important</del>	(22) Airports <del>The Managing body</del> of a Union airport covered by this	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>the necessary infrastructure is provided for delivery, storage and refuelling of sustainable aviation fuel, so as not to constitute an obstacle with respect to the uptake of such sustainable aviation fuel. If necessary, the Agency should be able to require a Union airport to provide information on the infrastructure available allowing for seamless distribution and refuelling of aircraft operators with sustainable aviation fuels. The role of the Agency should allow airports and airlines to have a common focal point, in the event where technical clarification is necessary on the availability of fuel infrastructure.</p>	<p>to ensure that all the necessary infrastructure is provided for delivery, storage and refuelling of sustainable aviation fuel, <b>as well as continued and uninterrupted access for fuel suppliers to transport fuel infrastructure</b>, so as not to constitute an obstacle with respect to the uptake of such sustainable aviation fuel. <b>This Regulation should take due account of the diverse governance models for airports across the Union. In this regard, airports covered by this Regulation, or, where applicable, the relevant managing body to which the centralised infrastructure of the airport has been reserved by the Member State concerned as referred to in Article 8 of Council Directive 96/67/EC ("Groundhandling Directive"), should therefore take all necessary measures to provide the infrastructure necessary for the delivery, storage and uplifting of such sustainable aviation fuels and the access of aircraft operators to them. Where the ultimate responsibility for providing the fuel infrastructure at Union</b></p>	<p>Regulation should <del>ensure that</del> <b>all take</b> the necessary infrastructure is provided for delivery, storage and refuelling of sustainable aviation fuel <b>measures to facilitate the access to SAF</b>, so as not to constitute an obstacle with respect to the uptake of such sustainable aviation fuel. If necessary, the <del>Agency</del> <b>competent authorities of the Member State where the airport is located</b>, should be able to require <b>the Managing body of a</b> Union airport to provide information on the infrastructure available allowing for seamless distribution and refuelling of aircraft operators with sustainable aviation fuels <b>SAF</b>. The role of the <del>Agency</del> <b>competent authorities of Union</b> airports and airlines to have a common focal point, in the event where technical clarification is necessary on the availability of fuel infrastructure.</p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>airport is assumed, pursuant contractual arrangements, by an entity other than the Union airport, or where applicable, the managing body of an airport, that entity should be responsible under the contractual arrangement for complying with the obligation under Article 6 of this Regulation. If necessary, the Agency should be able to require a Union airport to provide information on the infrastructure available allowing for seamless distribution and refuelling of aircraft operators with sustainable aviation fuels. The role of the Agency should allow airports and airlines to have a common focal point, in the event where technical clarification is necessary on the availability of fuel infrastructure.</p> <p><b>When electric or hydrogen-powered aircrafts become mature and commercially available, it will be necessary for airports covered by this Regulation to take all necessary measures to facilitate an appropriate infrastructure for hydrogen and electric recharging for aircrafts, in accordance with the respective deployment plan</b></p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>of the national policy framework, as set out in the proposed Regulation on the deployment of alternative fuels infrastructure. Furthermore, the provision of electricity supply to stationary aircraft should be ensured, inline with Article 12 of Regulation XXX [AFIR Regulation].</p>		
Recital 22a				
32a		<p>(22a) Many Union airports are supplied with aviation fuel principally via pipelines from refineries or blending stations where SAF blending to meet safety and sustainability specifications needs to take place. Member States should take all necessary measures to allow the continued and uninterrupted access of aviation fuel suppliers to civil transport aviation fuels infrastructure to supply both conventional aviation fuels and aviation fuels containing shares of sustainable aviation fuels. Delivering SAF to Union airports in sufficient quantities to meet the provisions set out in Annex I by alternate means such as by road/ truck from refineries and</p>		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		blending stations is logistically, practically and from a cost and CO2 penalty perspective infeasible. It will be essential to use these pipelines in addition to pipelines owned by fuel suppliers - where they exist - as well as rail facilities already in place, in order to deliver the minimum SAF required under this Regulation.		
Recital 23				
33	(23) Aircraft operators should be required to report yearly to the Agency on their purchases of sustainable aviation fuel, as well as on the characteristics of this fuel. Information should be provided on the characteristics of the sustainable aviation fuels purchased such as inter alia nature and origin of the feedstock, conversion pathway and lifecycle emissions.	(23) Aircraft operators should be required to report yearly to the Agency on their purchases of sustainable aviation fuel, as well as on the characteristics of this fuel. Information should be provided on the characteristics of the sustainable aviation fuels purchased such as inter alia nature and origin of the feedstock, conversion pathway and lifecycle emissions.	(23) Aircraft operators should be required to report yearly to the <b>competent authorities and to the European Union Aviation Safety Agency (the ‘Agency’)</b> on their purchases of <del>sustainable aviation fuel</del> SAF, as well as on the characteristics of this fuel. Information should be provided on the characteristics of the <del>sustainable aviation fuels</del> SAF purchased such as inter alia nature and origin of the feedstock, conversion pathway and lifecycle emissions.	
Recital 24				
34				

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	(24) Aircraft operators should also be required to report yearly on their actual aviation fuel uplift per Union airport, so as to prove that no fuel tankering was performed. Reports should be verified by independent verifiers and transmitted to the Agency for monitoring and assessment of compliance. Verifiers should determine the accuracy of the yearly aviation fuel required reported by the operators using a tool approved by the Commission.	(24) Aircraft operators should also be required to report yearly on their actual aviation fuel uplift per Union airport, so as to prove that no fuel tankering <b>for economic reasons</b> was performed. Reports should be verified by independent verifiers and transmitted to the Agency for monitoring and assessment of compliance. Verifiers should determine the accuracy of the yearly aviation fuel required reported by the operators using a tool approved by the Commission.	(24) Aircraft operators should also be required to report yearly on their actual aviation fuel uplift per Union airport, so as to prove that no fuel tankering was performed. Reports should be verified by independent verifiers and transmitted to the <b>competent authorities and to the</b> Agency for monitoring and assessment of compliance. <b>Independent</b> verifiers should determine the accuracy of the yearly aviation fuel required reported by the operators using a tool approved by the Commission.	
Recital 25				
35	(25) Aviation fuel suppliers should be required to report yearly in the Union database referred to in Article 28 of Directive (EU) 2018/2001, on their supply of aviation fuel, including sustainable aviation fuels. The Agency should report on a yearly basis to the Commission on the fulfilment by aircraft operators and aviation fuel suppliers of their respective obligations under this Regulation. This is important for the Commission to have clear visibility on the level of compliance to the	(25) Aviation fuel suppliers should be required to report yearly in the Union database referred to in Article 28 of Directive (EU) 2018/2001, on their supply of aviation fuel, including sustainable aviation fuels. The Agency should report on a yearly basis to the Commission on the fulfilment by aircraft operators and aviation fuel suppliers of their respective obligations under this Regulation. This is important for the Commission to have clear visibility on the level of compliance to the	(25) Aviation fuel suppliers should be required to report yearly in the Union database referred to in Article 28 of Directive (EU) 2018/2001, on their supply of aviation fuel, including <del>sustainable aviation fuels</del> . <del>The Agency should report on a yearly basis to the Commission on the fulfilment by aircraft operators and aviation fuel suppliers of their respective obligations under this Regulation.</del> This is important for the Commission to have clear visibility <del>on the level of compliance to the</del>	

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>COREPER Meeting - 12 Oct</b>
	Regulation.	Regulation.	Regulation.SAF.	
Recital 25a				
35a			<p><b>(25a) Member States should designate a competent authority or authorities responsible for enforcing the application of this Regulation upon aircraft operators, Union airports and fuel suppliers. This Regulation should define the rules for the attribution of aircraft operators, Union airports and fuel suppliers to competent authorities. The Agency should send to the competent authorities data aggregated for the aircraft operators and aviation fuels suppliers for which these authorities are competent. To the extent possible, the level of aggregation should allow for comparison with other data sources by the competent authorities.</b></p>	
Recital 25b				
35b			<p><b>(25b) The Agency should draw a technical report on a yearly basis and forward it to the Council</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			and the European Parliament. This is important in particular to have clear visibility on the level of compliance to the Regulation, the use of SAF in the Union and the third countries, the state of market including information on the evolution of the price gap between SAF and fossil fuels and the composition of aviation fuel.	
Recital 26				
36	(26) It is not possible without additional procedures to determine accurately whether aircraft operators have actually physically uplifted shares of sustainable aviation fuels in their tanks at a specific Union airports. Therefore, aircraft operators should be allowed to report their use of sustainable aviation fuels based on purchasing records. Aircraft operators should be entitled to receive from the aviation fuel supplier the information that is necessary to report the sustainable aviation fuel purchase.	(26) It is not possible without additional procedures to determine accurately whether aircraft operators have actually physically uplifted shares of sustainable aviation fuels in their tanks at a specific Union airports. Therefore, aircraft operators should be allowed to report their use of sustainable aviation fuels based on purchasing records. Aircraft operators should be entitled to receive from the aviation fuel supplier the information that is necessary to report the sustainable aviation fuel purchase.	(26) It is not possible without additional procedures to determine accurately whether aircraft operators have actually physically uplifted shares of sustainable aviation fuels SAF in their tanks at a specific Union airports. Therefore, aircraft operators should be allowed to report their use of sustainable aviation fuels SAF based on purchasing records. Aircraft operators should be entitled to receive from the aviation fuel supplier the information that is necessary to report the sustainable aviation fuel purchase SAF purchase. Fuel suppliers may demonstrate compliance with this Regulation by using the mass balance system	


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			referred to in Article 30 of Directive (EU) 2018/2001.	
Recital 26a				
36a		(26a) The introduction in the Union of a mandate on the uptake of sustainable aviation fuels could lead to an undue competitive disadvantage for EU airlines operating direct long-haul flights from a Union airport in comparison with their competitors connecting via an airport hub outside the Union. In order to further promote the uptake of sustainable aviation fuels in the Union, for which prices are predicted to have a substantial price difference compared to conventional fuel in the foreseeable future, airlines should be able to claim free allowances for the uplifting of sustainable aviation fuels under the ETS scheme.		
Recital 27				
37	(27) It is essential that aircraft operators can claim the use of sustainable aviation fuels under	(27) In order to promote the uptake of sustainable aviation fuels that have a substantial	(27) It is essential that aircraft operators can claim the use of sustainable aviation fuels SAF	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	greenhouse gas schemes such as the EU Emissions Trading System or CORSIA, depending on the route of their flights. However, it is essential that this regulation should not lead to a double counting of emissions reductions. Aircraft operators should only be allowed to claim benefits for the use of an identical batch of sustainable aviation fuels once. Fuel suppliers should be requested to provide free of charge to aircraft operators any information pertaining to the properties of the sustainable aviation fuel sold to that aircraft operator and that is relevant for reporting purposes by the aircraft operator under this Regulation or greenhouse gas schemes.	<b>price difference compared with conventional fuels</b> , it is essential that aircraft operators can claim the use of sustainable aviation fuels under greenhouse gas schemes such as the EU Emissions Trading System or CORSIA, depending on the route of their flights. However, it is essential that this regulation should not lead to a double counting of emissions reductions. Aircraft operators should only be allowed to claim benefits for the use of an identical batch of sustainable aviation fuels once. Fuel suppliers should be requested to provide free of charge to aircraft operators any information pertaining to the properties of the sustainable aviation fuel sold to that aircraft operator and that is relevant for reporting purposes by the aircraft operator under this Regulation or greenhouse gas schemes.	under greenhouse gas schemes such as the EU Emissions Trading System or CORSIA, <del>depending on the route of their flights</del> <b>at their own discretion</b> . However, it is essential that this regulation should not lead to a double counting of emissions reductions. Aircraft operators should only be allowed to claim benefits for the use of an identical batch of <del>sustainable aviation fuels</del> <b>SAF</b> once. Fuel suppliers should be requested to provide free of charge to aircraft operators any information pertaining to the properties of the <del>sustainable aviation fuel</del> <b>SAF</b> sold to that aircraft operator and that is relevant for reporting purposes by the aircraft operator under this Regulation or greenhouse gas schemes.	
Recital 28				
38	(28) In order to ensure a level playing field of the aviation internal market and the adherence to the climate ambitions of the Union, this Regulation should	(28) In order to ensure a level playing field of the aviation internal market and the adherence to the climate ambitions of the Union, this Regulation should	(28) In order to ensure a level playing field of the aviation internal market and the adherence to the climate ambitions of the Union, this Regulation should	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	introduce effective, proportionate and dissuasive penalties on aviation fuel suppliers and aircraft operators in case of non-compliance. The level of the penalties needs to be proportionate to the environmental damage and to the prejudice to the level-playing field of the internal market inflicted by the non-compliance. When imposing administrative fines, the authorities should take into account the evolution of the price of aviation fuel and sustainable aviation fuel in the reporting year;	introduce effective, proportionate and dissuasive penalties on aviation fuel suppliers and aircraft operators in case of non-compliance. The level of the penalties needs to be proportionate to the environmental damage and to the prejudice to the level-playing field of the internal market inflicted by the non-compliance. When imposing administrative fines <b>and other penalties</b> , the authorities should take into account the evolution of the price of aviation fuel and sustainable aviation fuel in the reporting year; <b>and may also take into account the degree of non-compliance, for example in the case of repeated infringements.</b>	introduce effective, proportionate and dissuasive penalties on aviation fuel suppliers and aircraft operators in case of non-compliance. The level of the penalties needs to be proportionate to the environmental damage and to the prejudice to the level-playing field of the internal market inflicted by the non-compliance. When imposing <del>administrative</del> administrative fines, the authorities should take into account the evolution of the price of aviation fuel and <del>sustainable aviation fuel</del> SAF in the reporting year;	
Recital 28a				
38a			<b>(28a) The transition from fossil fuels to SAF will play a considerable role in facilitating decarbonisation. However, considering the current lack of a EU market of SAF, the high level of competition between aircraft operators and the important price differential between fossil kerosene and SAF, this transition</b>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>should be supported through incentives that reflect the environmental benefit of SAF and make them more competitive for aircraft operators. Using revenues generated from the fines, or the equivalent in financial value of those revenues, to support research and innovation projects in the field of SAF, the production of SAF or mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels would contribute to that objective.</p>	
Recital 29				
39	<p>(29) The penalties for the suppliers who fail to meet the targets set in this Regulation should be complemented by the obligation to supply the market with the shortfall of meeting the quota in the subsequent year;</p>	<p>(29) The penalties for the suppliers who fail to meet the targets set in this Regulation should be complemented by the obligation to supply the market with the shortfall of meeting the quota in the subsequent year;.</p> <p><b>Nevertheless, in order to avoid an undue dual penalty in cases that are outside the direct control of the fuel supplier, the obligation to supply the market with the shortfall should not</b></p>	<p>(29) The penalties for the suppliers who fail to meet the targets set in this Regulation should be complemented by the obligation to supply the market with the shortfall of meeting the quota in the subsequent year;.</p>	

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>COREPER Meeting - 12 Oct</b>
		apply when the Commission assesses that this shortfall is caused by insufficient resources being available		
Recital 29a				
39a			(29a) A transitional period of 10 years should be provided for the purposes of complying with the SAF minimum share requirements laid down in this Regulation to allow for a reasonable amount of time for aviation fuel suppliers, Union airports and aircraft operators to make the necessary technological and logistical investments. During this phase, aviation fuel containing higher shares of SAF in certain airports may be used to compensate for lower shares of SAF or for the reduced availability of conventional aviation fuel at other airports.	
Recital 29a				
39b		(29a) The successful transition to sustainable aviation requires an integrated approach and the		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>appropriate enabling environment to stimulate innovation, involving both public and private investment in research and development and support for the redeployment, re-skilling and up-skilling of workers, as well as technological and operational measures, and the deployment of sustainable aviation fuels and of zero-emission technologies, including the necessary refuelling and recharging infrastructure in airports, taking into account the energy efficiency first principle. For this purpose, the revenues generated by the penalties under this Regulation should be allocated to a new Sustainable Aviation Fund. Furthermore, the setting up, on a voluntary basis and under the coordination of the Commission, of a European SAF Alliance, within one year after the entry into force of this Regulation, could help foster the further development and scaling-up of SAF production in Europe, inter alia by bringing together the entire industrial value chain, encouraging the roll-out of the most innovative technologies and</p>		

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>COREPER Meeting - 12 Oct</b>
		identifying policies and market developments, taking into consideration the principle of technology neutrality.		
Recital 29b				
39c		(29b) Research and innovation will play a substantial role in the development of sustainable and synthetic aviation fuels and the production capacity building. A respective investment priority should be clearly set within the relevant Union funding programmes identified by the Commission.		
Recital 29c				
39d		(29c) The development and production of sustainable aviation fuels has to be exponentially increased in the coming years. The Union and the Member States should invest in the research and production of sustainable aviation fuel projects as they present both an environmental and an industrial opportunity. The production of sustainable air fuels should be		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		concentrated inside the Union, creating industrial, labour and research opportunities in all the Member States.		
Recital 30				
40	(30) This Regulation should include provisions for periodic reports to the European Parliament and the Council on the evolution of the aviation and fuels markets, the effectiveness of key features of the Regulation such as the minimum shares of sustainable aviation fuels, the level of administrative fines or policy developments on sustainable aviation fuels uptake at international level. Such elements are key to provide a clear state of play of the sustainable aviation fuels market and should be taken into account when considering a revision of the Regulation.	(30) This Regulation should include provisions for periodic reports to the European Parliament and the Council on the evolution of the aviation and fuels markets, the effectiveness of key features of the Regulation such as the minimum shares of sustainable aviation fuels, the level of administrative fines or policy developments on sustainable aviation fuels uptake at international level, <b>taking due account of the "one in, one out" principle and the aim of regulatory simplification.</b> Such elements are key to provide a clear state of play of the sustainable aviation fuels market and should be taken into account when considering a revision of the Regulation.	(30) This Regulation should include provisions for periodic reports to the European Parliament and the Council on the evolution of the aviation and fuels markets <b>and the impact of this Regulation on the aviation internal market of the Union, on connectivity for islands and remote territories and on the competitiveness of European air carriers and airport hubs vis-à-vis their competitors in neighbouring countries,</b> the effectiveness of key features of the Regulation such as the minimum shares of <del>sustainable aviation fuels</del> <b>SAF</b> , the level of <del>administrative</del> fines or policy developments on <del>sustainable aviation fuels</del> <b>SAF</b> uptake at international level. Such elements are key to provide a clear state of play of the <del>sustainable aviation fuels</del> <b>SAF</b> market and should be taken into account when considering a revision of the	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>Regulation.</p> <p><b>In those reports, the Commission should consider options for amendments, where appropriate, including mechanisms to support the production and use of SAF as well as mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels in order to limit the adverse impacts of this Regulation on air connectivity and competition and to mitigate carbon leakage.</b></p> <p><b>The requirement laid down by this Regulation to ensure that a minimum share of SAF is made available at each Union airport could incentivise aircraft operators operating connecting flights departing from Union airports with a final destination outside the Union to transit via non-EU hub airports which are not subject to that requirement rather than via EU hubs. This could lead to distortions of competition at the expense of Union airports and operators using such airports and to a risk of carbon leakage. In the absence of a mandatory</b></p>	

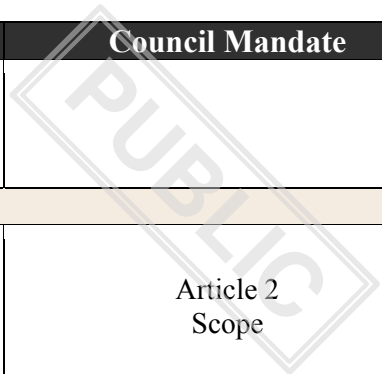
	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>scheme on the use of SAF for international flights at ICAO level or in comprehensive multilateral or bilateral air transport agreements between the EU and/or its Member States and third countries with a similar level of ambition in comparison with the requirements outlined in this Regulation and the objectives of the Paris Agreement or of mechanisms developed at international level to prevent the risk of carbon leakage and of distortion of competition, the Commission should in particular consider the development of targeted mechanisms aiming at preventing those effects.</p>	
Recital 31				
41	<p>(31) A transitional period of 5 years should be provided to allow for a reasonable amount of time for aviation fuel suppliers, Union airports and aircraft operators to make the necessary technological and logistical investments. During this phase, aviation fuel containing higher shares of sustainable aviation fuel may be used to</p>	<p>(31) A <del>transitional period of 5 years should be provided to allow for a reasonable amount of time for aviation fuel suppliers, Union airports</del> <b>flexibility mechanism should be set up with a transitional period of 10 years from the date of application of this Regulation to fuel suppliers and aircraft operators to allow</b></p>	<p><i>deleted</i></p>	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>compensate for lower shares of sustainable aviation fuels or for the reduced availability of conventional aviation fuel at other airports.</p>	<p><b>them a reasonable amount of time to make the necessary technological and logistical investments. During this phase, elements of a book &amp; claim system may be used, allowing aviation fuel suppliers to use fuel containing higher shares of sustainable aviation fuel <del>may be used to</del> compensate for lower shares of sustainable aviation fuels or for the reduced availability of conventional aviation fuel at minor or logistically constrained other airports, and for aircraft operators to buy a certificate linked to the amount of SAF acquired, while guaranteeing a high level of environmental integrity. That flexibility mechanism would also help to safeguard air-connectivity by preventing less connected European regions with fewer alternative transport from being disproportionately affected. In order to prevent market players from abusing any possible dominant market position, during this transitional period the Commission should make full use of its competition powers under Article 102 TFEU. After</b></p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-15deg);">PUBLIC</p>	

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>COREPER Meeting - 12 Oct</b>
		that transitional period of 10 years, in order to prevent undue distortions of competition in the internal market, all Union airports covered by this Regulation should be supplied with uniform minimum shares of sustainable aviation fuels.		
<i>Recital 31a</i>				
41a			(31a) In order to ensure uniform conditions for the implementation of Article 4(3) and 5(2), implementing powers should be conferred on the Commission with respect to the application of higher minimum shares of synthetic aviation fuel by Member States and to the exemptions of the obligation to refuel prior departure that may be granted to aircraft operators.	
<i>Recital 31a</i>				
41b		(31a) In order to achieve the Union's climate targets for 2030 and 2050 and the target of 1,5 °C of the Paris Agreement, the Commission should develop a roadmap on how and when fossil		

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		free aviation is achieved.		
Recital 31b				
41c		<b>(31b) The transition to sustainable aviation fuels will also have the secondary effect of reducing dependence on fossil fuel imports from third countries, thus increasing the Union's energy security. The need for this move is only accentuated by the current international political situation.</b>		
Recital 32				
42	(32) Since the objective of this Regulation, namely to maintain a level playing field on the Union air transport market while increasing the use of sustainable aviation fuels, cannot be sufficiently achieved by the Member States due to the cross-border nature of aviation, but can rather, by reason of the characteristics of the market and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on	(32) Since the objective of this Regulation, namely to maintain a level playing field on the Union air transport market while increasing the use of sustainable aviation fuels, cannot be sufficiently achieved by the Member States due to the cross-border nature of aviation, but can rather, by reason of the characteristics of the market and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on	(32) Since the objective of this Regulation, namely to maintain a level playing field on the Union air transport market while increasing the use of <del>sustainable aviation fuels</del> SAF, cannot be sufficiently achieved by the Member States due to the cross-border nature of aviation, but can rather, by reason of the characteristics of the market and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
Formula				
43	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
Article 1				
44	Article 1 Subject matter	Article 1 Subject matter <b>and objective</b>	Article 1 Subject matter	Article 1 Subject matter  CGA  EP tentatively agrees  B
Article 1, first paragraph				
45	This Regulation lays down harmonised rules on the uptake and supply of sustainable aviation fuels.	This Regulation lays down harmonised rules on the uptake and supply of sustainable aviation fuels.	This Regulation lays down harmonised rules on the uptake and supply of sustainable aviation fuels.	This Regulation lays down harmonised rules on the uptake and supply of sustainable aviation fuels.



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				A
Article 2				
G	46	Article 2 Scope	Article 2 Scope	Article 2 Scope  A
Article 2, first paragraph				
Y	47	This Regulation shall apply to aircraft operators, Union airports, and to aviation fuel suppliers.	This Regulation shall apply to aircraft operators, Union airports, <b>or where applicable, the managing body of an airport</b> , and to aviation fuel suppliers.	This Regulation shall apply to aircraft operators, Union airports <b>and their respective Union airport managing bodies</b> , and to aviation fuel suppliers.  see new definition of 'Union airport managing body'  Proposal  B
Article 2, first paragraph a				
Y	47a		<b>A Member State may decide, where appropriate, that an airport located on its territory is</b>	A Member State may decide, where appropriate, that an airport located on its territory is to be

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			to be treated as a Union airport for the purposes of this Regulation. The Member State concerned shall notify its decision to the Commission and the European Union Aviation Safety Agency (the 'Agency') a year before that decision becomes applicable. The Commission shall publish the information in the <i>Official Journal of the European Union</i> and provide an updated and consolidated list of the airports concerned which shall be easily accessible.	treated as a Union airport for the purposes of this Regulation. The Member State concerned shall notify its decision to the Commission and the European Union Aviation Safety Agency (the 'Agency') a year before that decision becomes applicable. The Commission shall publish the information in the <i>Official Journal of the European Union</i> and provide an updated and consolidated list of the airports concerned which shall be easily accessible.  Propose CGA  B
Article 3				
48	Article 3 Definitions		Article 3 Definitions	Article 3 Definitions  A
Article 3, first paragraph, introductory part				
49	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:

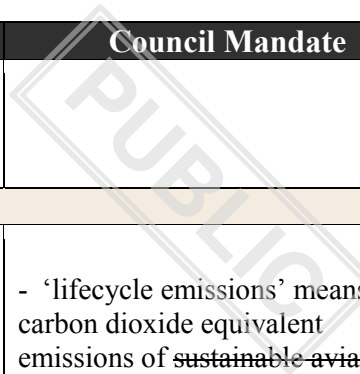
	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				A
	Article 3, first paragraph, first indent			
50	<p>- ‘Union airport’ means an airport as defined in Article 2(2) of Directive 2009/12/EC of the European Parliament and of the Council<sup>1</sup>, where passenger traffic was higher than 1 million passengers or where the freight traffic was higher than 100000 tons in the reporting period, and is not situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union;</p> <p><sup>1</sup> Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges</p>	<p>- ‘Union airport’ means an airport as defined in Article 2(2)<b>2(1)</b> of Directive 2009/12/EC of the European Parliament and of the Council<sup>1</sup>, <del>where passenger traffic was higher than 1 million passengers or where the freight traffic was higher than 100000 tons in the reporting period, and is not</del> <b>which is not situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union or an airport situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union which has been notified as a Union airport to the Commission, the Agency and the competent authorities;</b></p> <p><sup>1</sup> [1] Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges.</p>	<p>- ‘Union airport’ means an airport as defined in Article 2(2)<b>2(1)</b> of Directive 2009/12/EC of the European Parliament and of the Council<sup>1</sup>, where passenger traffic was higher than 1 million passengers or where the freight traffic was higher than 100000 tons in the reporting period, and <b>that</b> is not situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union;</p> <p><sup>1</sup> [1] Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges</p>	<p>- ‘Union airport’ means an airport as defined in Article 2(1) of Directive 2009/12/EC of the European Parliament and of the Council<sup>1</sup>, where passenger traffic was higher than 1 million passengers or where the freight traffic was higher than 100000 tons in the reporting period, and that is not situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union;</p> <p><sup>1</sup> [1] Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges</p> <p>Propose CGA</p> <p>Would MS consider a minimal lowering of the threshold for passenger traffic and possibly for freight traffic?</p> <p>C</p>
	Article 3, first paragraph, second indent			

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
50a			<p>- ‘Managing body of the airport’ means the entity referred to in article 3 of Directive 96/67/EC<sup>1</sup> or, where the Member State concerned has reserved the management of the centralized infrastructures for fuel distribution systems to another body pursuant to Article 8 of Directive 96/67/EC, that other body;</p> <p>1. [1] Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36).</p>	<p>- ‘Managing body of the airport’ means the entity referred to as a body as defined in Article 32(c) of Directive 96/67/EC<sup>1</sup>, for a Union airport, or, where the Member State concerned has reserved the management of the centralized infrastructures for fuel distribution systems to another body pursuant to Article 8(1) of Directive 96/67/EC, that other body for a Union airport;</p> <p>1. [1] Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36).</p> <p>New Proposal</p> <p>EP tentatively agrees</p> <p>A</p>
Article 3, first paragraph, second indent				
51	- ‘aircraft operator’ means a person that operated at least 729 commercial air transport flights departing from Union airports in the reporting period or, where that	- ‘aircraft operator’ means a person that operated at least 72952 commercial air transport flights departing from Union airports in the reporting period or, where that	- ‘aircraft operator’ means a person that operated at least 729500 commercial air transport flights departing from Union airports in the reporting period or,	- ‘aircraft operator’ means a person that operated at least 500 commercial air transport flights, or 52 commercial air transport flights dedicated to freight traffic

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	person may not be identified, the owner of the aircraft;	person may not be identified, the owner of the aircraft, <b>or a person that operated air transport flights departing from a Union airport, which has requested the Commission to be treated as an aircraft operator for the purpose of this Regulation and has informed accordingly the Commission, the Agency and the competent authorities;</b>	where that person may not be identified, the owner of the aircraft;	departing from Union airports in the reporting period or, where that person may not be identified, the owner of the aircraft;  New proposal  C
Article 3, first paragraph, third indent				
51a		- 'managing body of the airport'-means a managing body within the meaning of Article 3 of Directive 96/67 /EC, or another body to which the Member State concerned has reserved the management of the centralised infrastructures for fuel distribution systems pursuant to Article 8 of Directive 96/67/EC;		-  Note: see compromise in line 50a  A
Article 3, first paragraph, third indent				
52	- 'commercial air transport flight' means a flight operated for the purposes of transport of passengers, cargo or mail for	- 'commercial air transport flight' means a flight operated for the purposes of transport of passengers, cargo or mail for	- 'commercial air transport flight' means a flight operated for the purposes of transport of passengers, cargo or mail for	- 'commercial air transport flight' means a flight operated for the purposes of transport of passengers, cargo or mail for

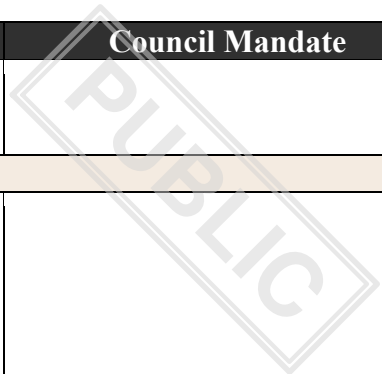
	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	remuneration or hire, or business aviation flights;	remuneration or hire, or business aviation flights;	remuneration or hire, or business aviation flights;	remuneration or hire, or business aviation flights;
Article 3, first paragraph, fourth indent				
G	53 - ‘aviation fuel’ means the fuel manufactured for direct use by aircraft;	- ‘aviation fuel’ means the fuel manufactured for direct use by aircraft;	- ‘aviation fuel’ means the fuel manufactured for direct use by aircraft;	- ‘aviation fuel’ means the fuel manufactured for direct use by aircraft;
Article 3, first paragraph, fifth indent				
R	54 - ‘sustainable aviation fuels’ (‘SAF’) means drop-in aviation fuels that are either synthetic aviation fuels, advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001, or biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, which comply with the sustainability and greenhouse gas emissions criteria laid down in Article 29(2) to (7) of that Directive and are certified in accordance with Article 30 of this Directive;	- ‘sustainable aviation fuels’ (‘SAF’) means <del>drop-in</del> aviation fuels that are either: synthetic aviation fuels, <b>liquid and gaseous fuels that are produced from waste processing gas and exhaust gas of non-renewable origin which are produced as an unavoidable and unintentional consequence of the production process in industrial installations, as referred to in Article 2, second paragraph, point 35 of Directive (EU) 2018/2001, which comply with the greenhouse gas emissions savings threshold referred to in Article 25(2), second subparagraph of that Directive,</b> advanced biofuels as defined in Article 2, second paragraph, point	- ‘sustainable aviation fuels’ (‘SAF’) means drop-in aviation fuels that are either: <b>(a) biofuels which comply with the sustainability and greenhouse gas emissions savings criteria laid down in Article 29</b> <del>synthetic aviation fuels, advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001</del> <b>and are certified in accordance with Article 30 of that Directive, with the exception of, <del>or</del> biofuels produced from the feedstock listed in Part B of Annex IX to ‘food and feed crops’ as defined in Article 2, second paragraph, point 40 of that Directive, which comply with the sustainability and greenhouse gas emissions criteria laid down</b> (b)	<b>C</b>

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>34 of Directive (EU) 2018/2001, or biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, which comply with the sustainability and greenhouse gas emissions criteria laid down in Article 29(2) to (7) of that Directive and are certified in accordance with Article 30 of this Directive. <b>Until 31 December 2034 sustainable aviation fuels may also include biofuels which comply with the sustainability and greenhouse gas emissions criteria laid down in Article 29 of Directive (EU)2018/2001 and are certified in accordance with Article 30 of that Directive, with the exception of biofuels produced from ‘food and feed crops’ as defined in Article 2, second paragraph, point 40 of that Directive;</b></p>	<p><b>synthetic aviation fuels or (c) recycled carbon aviation fuels defined in Article 29(2) to (7) of that 2, second paragraph, point 35 of Directive and are certified in accordance with (EU) 2018/2001 which comply with the greenhouse gas emissions savings threshold referred to in Article 30 of this 25(2), second subparagraph of that directive;</b></p>	
Article 3, first paragraph, sixth indent				
55	<p>- ‘batch’ means a quantity of sustainable aviation fuels that can be identified with a number and can be traced;</p>	<p>- ‘batch’ means a quantity of sustainable aviation fuels that can be identified with a number and can be traced;</p>	<p>- ‘batch’ means a quantity of sustainable aviation fuels SAF that can be identified with a number and can be traced;</p>	<p>- ‘batch’ means a quantity of SAF that can be identified with a number and can be traced;</p> <p>Propose CGA</p> <p>EP Tentatively Agrees</p>



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				A
Article 3, first paragraph, seventh indent				
56	- ‘lifecycle emissions’ means carbon dioxide equivalent emissions of sustainable aviation fuels that take into account carbon dioxide equivalent emissions of energy production, transport, distribution and use on-board, including during combustion, calculated in accordance with Article 31 of Directive (EU) 2018/2001;	- ‘lifecycle emissions’ means carbon dioxide equivalent emissions of sustainable aviation fuels that take into account carbon dioxide equivalent emissions of energy production, transport, distribution and use on-board, including during combustion, calculated in accordance with Article 31 of Directive (EU) 2018/2001;	- ‘lifecycle emissions’ means carbon dioxide equivalent emissions of <del>sustainable aviation fuels</del> SAF that take into account carbon dioxide equivalent emissions of energy production, transport, distribution and use on-board, including during combustion, calculated in accordance with Article 31 of Directive (EU) 2018/2001;	- ‘lifecycle emissions’ means carbon dioxide equivalent emissions of SAF that take into account carbon dioxide equivalent emissions of energy production, transport, distribution and use on-board, including during combustion, calculated in accordance with Article 31 of Directive (EU) 2018/2001;  CGA  EP Tentatively Agrees  A
Article 3, first paragraph, eighth indent				
57	- ‘synthetic aviation fuels’ means fuels that are renewable fuels of non-biological origin, as defined in Article 2, second paragraph, point 36 of Directive (EU) 2018/2001, used in aviation;	- ‘synthetic aviation fuels’ means <b>renewable hydrogen or renewable electricity</b> or fuels that are renewable fuels of non-biological origin, as defined in Article 2, second paragraph, point 36 of Directive (EU) 2018/2001, used in aviation;	- ‘synthetic aviation fuels’ means <b>drop-in aviation</b> fuels that are renewable fuels of non-biological origin, as defined in Article 2, second paragraph, point 36 of Directive (EU) 2018/2001, <del>used in aviation</del> <b>which comply with the greenhouse gas emissions savings</b>	C

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			threshold referred to in Article 25(2), first subparagraph of that directive;	
Article 3, first paragraph, tenth indent				
R	57a		- 'synthetic low-carbon fuels for aviation' means synthetic drop-in aviation fuels derived from low-carbon hydrogen whose life-cycle GHG emissions savings from their use are at least 70%;	C
Article 3, first paragraph, ninth indent				
G	58	- 'conventional aviation fuels' means fuels produced from fossil non-renewable sources of hydrocarbon fuels, used in aviation;	- 'conventional aviation fuels' means fuels produced from fossil non-renewable sources of hydrocarbon fuels, used in aviation;	- 'conventional aviation fuels' means fuels produced from fossil non-renewable sources of hydrocarbon fuels, used in aviation; A
Article 3, first paragraph, eleventh indent				
R	58a	- 'electricity from renewable energy sources' or 'renewable electricity' means electricity produced from renewable energy sources as defined in Article 2, second paragraph, point 1 of		C



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		Directive (EU) 2018/2001;		
Article 3, first paragraph, twelfth indent				
R	58b	- ‘hydrogen from renewable energy sources’ or ‘renewable hydrogen’ means hydrogen produced from renewable electricity or from fuels that are renewable liquid or gaseous fuels of non-biological origin, as defined in Article 2, second paragraph, point 36 of Directive (EU) 2018/2001;		C
Article 3, first paragraph, tenth indent				
G	59	- ‘aviation fuel supplier’ means a fuel supplier as defined in Article 2, second paragraph, point 38 of Directive (EU) 2018/2001, supplying aviation fuel at a Union airport;	- ‘aviation fuel supplier’ means a fuel supplier as defined in Article 2, second paragraph, point 38 of Directive (EU) 2018/2001, supplying aviation fuel at a Union airport;	- ‘aviation fuel supplier’ means a fuel supplier as defined in Article 2, second paragraph, point 38 of Directive (EU) 2018/2001, supplying aviation fuel at a Union airport;  A
Article 3, first paragraph, eleventh indent				
G	60	- ‘reporting year’ means a period of one year in which the reports referred to in Articles 7 and 9 are to	- ‘reporting year’ means a period of one year in which the reports referred to in Articles 7 and 9 are	- ‘reporting year’ means a period of one year in which the reports referred to in Articles 7 and 9 are

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	be submitted starting 1 January and ending 31 December;	to be submitted starting 1 January and ending 31 December;	to be submitted starting 1 January and ending 31 December;	to be submitted starting 1 January and ending 31 December; A
Article 3, first paragraph, twelfth indent				
61	- 'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year;	- 'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year;	- 'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year;	- 'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year; A
Article 3, first paragraph, thirteenth indent				
62	- 'yearly aviation fuel required' means the amount of aviation fuel necessary to operate the totality of commercial air transport flights operated by an aircraft operator, departing from a given Union airport, over the course of a reporting period;	- 'yearly aviation fuel required' means the amount of aviation fuel <b>defined as 'trip fuel' and 'taxi fuel' under Commission Implementing Regulation 2021/1296</b> necessary to operate the totality of commercial air transport flights operated by an aircraft operator, departing from a given Union airport, over the course of a reporting period;	- 'yearly aviation fuel required' means the amount of aviation fuel <b>referred to as 'trip fuel' and 'taxi fuel' in Annex IV to Commission Regulation 965/2012<sup>1</sup> that is</b> necessary to operate the totality of commercial air transport flights operated by an aircraft operator, departing from a given Union airport, over the course of a reporting period;  1. [1] <b>Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC)</b>	- 'yearly aviation fuel required' means the amount of aviation fuel referred to as 'trip fuel' and 'taxi fuel' in Annex IV to Commission Regulation 965/2012 <sup>1</sup> that is necessary to operate the totality of commercial air transport flights operated by an aircraft operator, departing from a given Union airport, over the course of a reporting period;  1. [1] <b>Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC)</b>

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).	No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).  [note: The current consolidated version of Reg 965/2012 in force includes the amendments and corrections from Implementing Regulation 2021/1296 and other Regulations.]  CGA  EP tentatively agrees  A
Article 3, first paragraph, fourteenth indent				
63	- ‘yearly non-tanked quantity’ means the difference between the yearly aviation fuel required and the actual fuel uplifted by an aircraft operator prior to flights departing from a given Union airport, over the course of a reporting period;	- ‘yearly non-tanked quantity’ means the difference between the yearly aviation fuel required and the actual fuel uplifted by an aircraft operator prior to flights departing from a given Union airport, over the course of a reporting period;	- ‘yearly non-tanked quantity’ means the difference between the yearly aviation fuel required and the actual fuel uplifted by an aircraft operator prior to flights departing from a given Union airport, over the course of a reporting period;	- ‘yearly non-tanked quantity’ means the difference between the yearly aviation fuel required and the actual fuel uplifted by an aircraft operator prior to flights departing from a given Union airport, over the course of a reporting period;  A
Article 3, first paragraph, fifteenth indent				
64				

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	- 'total yearly non-tanked quantity' means the sum of the yearly non-tanked quantities by an aircraft operator at all Union airports over the course of a reporting period;	- 'total yearly non-tanked quantity' means the sum of the yearly non-tanked quantities by an aircraft operator at all Union airports over the course of a reporting period;	- 'total yearly non-tanked quantity' means the sum of the yearly non-tanked quantities by an aircraft operator at all Union airports over the course of a reporting period;	- 'total yearly non-tanked quantity' means the sum of the yearly non-tanked quantities by an aircraft operator at all Union airports over the course of a reporting period;  A
Article 3, first paragraph, sixteenth indent				
65	- 'greenhouse gas scheme' means a scheme granting benefits to aircraft operators for the use of sustainable aviation fuels.	- 'greenhouse gas scheme' means a scheme granting benefits to aircraft operators for the use of sustainable aviation fuels;	- 'greenhouse gas scheme' means a scheme granting benefits to aircraft operators for the use of <del>sustainable aviation fuels</del> SAF.	- 'greenhouse gas scheme' means a scheme granting benefits to aircraft operators for the use of SAF.  CGA  EP tentatively agrees  A
Article 3, first paragraph, twentieth indent				
65a		- 'SAF flexibility mechanism' means a system to be established for a period of 10 years from the date of application of Article 4 and Article 5 in accordance with Article 15 by which the supply and uptake of sustainable aviation fuels is driven by		See addition in line 120  B



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>market freedom with flexibility for aircraft operators and aviation fuel suppliers to arrange the distribution and use of sustainable aviation fuels in a cost-effective way at the Union airports of their choice and in proportion with their needs. Such system, incorporating elements of a book &amp; claim scheme, may enable aircraft operators to purchase sustainable aviation fuels through contractual arrangements with aviation fuel suppliers and to claim its use at Union airports, where applicable, under a greenhouse gas scheme in accordance with Article [...] of Directive (EU) 2021/0207.</p>		
Article 4				
66	<p>Article 4 Share of sustainable aviation fuel available at Union airports</p>	<p>Article 4 Share of sustainable aviation fuel available at Union airports</p>	<p>Article 4 Share of <del>sustainable aviation fuel</del> SAF available at Union airports</p>	<p>Article 4 Share of SAF available at Union airports</p> <p>CGA</p> <p>EP tentatively agrees</p> <p>A</p>

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	Article 4, first paragraph			
Y	67 Aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators at each Union airport contains a minimum share of sustainable aviation fuel, including a minimum share of synthetic aviation fuel in accordance with the values and dates of application set out in Annex I.	<b>Without prejudice to Article 13</b> , aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators at each Union airport contains a minimum share of sustainable aviation fuel, including a minimum share of synthetic aviation fuel in accordance with the values and dates of application set out in Annex I.	<b>1.</b> Aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators at each Union airport contains a minimum share of <del>sustainable aviation fuel</del> SAF, including a minimum share of synthetic aviation fuel in accordance with the values and dates of application set out in Annex I.	<b>1. Without prejudice to Article 13</b> , aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators at each Union airport contains a minimum share of SAF, including a minimum share of synthetic aviation fuel in accordance with the values and dates of application set out in Annex I.  EP tentatively Agrees  A
	Article 4, first paragraph a			
R	67a		<b>This obligation shall be deemed to be met where the shares mentioned in the first subparagraph are reached using synthetic low-carbon fuels for aviation.</b>	C
	Article 4, first paragraph b			
Y	67b		<b>2. For each reporting period, biofuels other than advanced</b>	2. For each reporting period, biofuels other than advanced

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001 and other than biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, supplied across Union airports by each fuel supplier shall account for a maximum of 3% for the purposes of complying with the minimum shares referred to in paragraph 1 and Annex I.</p>	<p>biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001 and other than biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, supplied across Union airports by each fuel supplier shall account for a maximum of 3% for the purposes of complying with the minimum shares referred to in paragraph 1 and Annex I.</p> <p>Propose CGA</p> <p><b>B</b></p>
Article 4, first paragraph c				
67c			<p>3. Where it follows from the technical report referred to in Article 12 that the minimum share of SAF, including synthetic aviation fuel, as set out in Annex I has been reached during the previous reporting period in average across Union airports, or at any time before 1 January 2027, a Member State may, for the purposes of paragraph 1, apply a higher minimum share of synthetic aviation fuel than the one set out in Annex I at one or</p>	<p><b>C</b></p>

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>several Union airports located on its territory, for the following reporting periods and until 31 December 2034. The Member State concerned shall notify the other Member States and the Commission of the measure adopted. The Commission shall publish this notification in the <i>Official Journal of the European Union</i>.</p>	
Article 4, first paragraph d				
67d			<p>When, further to the adoption by the Member State concerned of a measure pursuant to the first subparagraph of this paragraph, the minimum share of SAF, including synthetic aviation fuel, set out in Annex I cannot be reached during two consecutive reporting periods in average across all Union airports due to a structural lack of production or supply of such fuels in the Union, the Commission shall, in accordance with the examination procedure referred to in Article 13a(2), adopt a decision requesting the Member State to suspend the application of that measure.</p>	<p><b>C</b></p>

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	Article 4, first paragraph e			
R	67e		<p><b>4. The higher minimum share applied by the Member State concerned pursuant to the first subparagraph of paragraph 3 shall not exceed 1% for the period until 31 December 2029, and shall not exceed the minimum share set out for synthetic aviation fuels in Annex I of more than 3% for the period from 1 January 2030 until 31 December 2034. These ceilings shall not apply in Union airports where the annual non-domestic passenger traffic is less than 2 million passengers.</b></p>	c
	Article 4, first paragraph f			
Y	67f		<p><b>5. Fuel suppliers may demonstrate compliance with the obligation contained in paragraph 1 and with any measure adopted by Member States pursuant to the first subparagraph of paragraph 3 by using the mass balance system referred to in Article 30 of Directive (EU) 2018/2001.</b></p>	<p>5. Fuel suppliers may demonstrate compliance with the obligation contained in paragraph 1 [and with any measure adopted by Member States pursuant to the first subparagraph of paragraph 3] by using the mass balance system referred to in Article 30 of Directive (EU) 2018/2001.</p>



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				Propose CGA note: see line 68a Note: Text is identical with the exception of the part in bold and brackets (that part is linked to a C point and stays open). A
Article 4, first paragraph a				
y	67g	<b>The following sustainable aviation fuels shall be excluded from the calculation of the minimum shares of sustainable aviation fuels set out in Annex I:</b>		Linked to line 54 B
Article 4, first paragraph b				
y	67h	<b>- Sustainable aviation fuels made from food and feed crops, intermediate crops, palm fatty acid distillate and all palm and soy-derived materials, and soap stock and its derivatives.</b>		Linked to line 54 B
Article 4, second paragraph				
y	68	Without prejudice to the	Without prejudice to the	Without prejudice to the

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	application of Article 11(3) and (4), where an aviation fuel supplier fails to supply the minimum shares set out in Annex I for a given reporting period, it shall at least complement that shortfall in the subsequent reporting period.	application of Article 11(3) and (4), where an aviation fuel supplier fails to supply the minimum shares set out in Annex I for a given reporting period, it shall <b>report the shortfall, and the reasons for it, to the European Union Aviation Safety Agency. Where the Commission assesses that this shortfall is not caused by lack of resource availability, the fuel supplier shall make every possible effort to</b> at least complement that shortfall in the subsequent reporting period.	application of Article 11(3) and (4), where an aviation fuel supplier fails to supply the minimum shares set out in Annex I for a given reporting period, it shall at least complement that shortfall in the subsequent reporting period.	EP to clarify B
Article 4, second paragraph a				
68a		<b>Fuel suppliers may demonstrate compliance with the obligation contained in paragraph 1 by using the mass balance system referred to in Article 30 of Directive (EU) 2018/2001.</b>		see line 67f EP tentatively agrees A
Article 5				
69	Article 5 Refuelling obligation for aircraft operators	Article 5 Refuelling obligation for aircraft operators	Article 5 Refuelling obligation for aircraft operators	Article 5 Refuelling obligation for aircraft operators A

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	Article 5, first paragraph			
Y	70 The yearly quantity of aviation fuel uplifted by a given aircraft operator at a given Union airport shall be at least 90% of the yearly aviation fuel required.	The yearly quantity of aviation fuel uplifted by a given aircraft operator at a given Union airport shall be at least 90% of the yearly aviation fuel required, <b>taking into account the necessary compliance with fuel safety rules.</b>	<b>1. The yearly quantity of aviation fuel uplifted by a given aircraft operator at a given Union airport shall be at least 90% of the yearly aviation fuel required, without prejudice to the quantity of fuel to be uplifted in order to comply with applicable fuel safety rules.</b>	1. The yearly quantity of aviation fuel uplifted by a given aircraft operator at a given Union airport shall be at least 90% of the yearly aviation fuel required, without prejudice to the quantity of fuel to be uplifted in order to comply with applicable fuel safety rules.  Propose CGA  A
	Article 5, first paragraph a			
R	70a		<b>2. An aircraft operator may request the competent authority referred to in Article 10(4) that the flights on a specific existing or new route of less than 1200 kilometres departing from a Union airport be exempted from the obligation laid down in paragraph 1 of this Article. That distance shall be measured by the great circle route method.</b>	C

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Article 5, first paragraph b				
R	70b		Such request shall be made at least three months before the date of application of the envisaged exemption. That request shall provide adequate justification based on serious and recurrent operational difficulties in refuelling aircrafts at a given Union airport preventing them from performing turnarounds within a reasonable time or on structural fuel supply difficulties stemming from the geographic characteristics of a given Union airport, leading to significantly higher prices of fuels compared to prices applied on average to similar types of fuels in other Union airports due in particular to specific fuel transport constraints or to limited availability of fuels at that airport.	C
Article 5, first paragraph c				
R	70c		The competent authority shall assess that request and, in light of the justification provided, it may ask for complementary	C

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			information.	
Article 5, first paragraph d				
R	70d		The competent authority shall take a decision on that request at least one month at the latest before the date of application of the envisaged exemption. The exemption granted shall have a limited period of validity, not exceeding one years, after which it shall be reviewed upon request of the aircraft operator.	C
Article 5, first paragraph e				
R	70e		The failure to adopt a decision pursuant to the fourth subparagraph of this paragraph within the time limit laid down therein shall be deemed as an implicit decision of authorisation to apply the requested exemption for a period of one year, after which it shall be reviewed upon request of the aircraft operator.	C
Article 5, first paragraph f				
R	70f		The competent authority shall	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			notify the list of exemptions authorised to the Commission, which shall publish it in the <i>Official Journal of the European Union</i> , and update that list at least once a year.	C
Article 5, first paragraph g				
70g			Following a written complaint submitted by a Member State, an aircraft operator, the managing body of the Union airport concerned, a fuel supplier or on its own initiative, the Commission may, after assessing the justification provided for the exemption granted in the light of the criteria set out in the second subparagraph of this paragraph, by means of an implementing act adopted in accordance with Article 13a(2), request the competent authority to adopt a decision repealing that exemption from the beginning of the next scheduling period within the meaning of Article 2, point (d) of Regulation (EEC) No 95/93. When this scheduling period starts less than two months after the publication of the implementing act, the	C





	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		with the respective deployment plan of the national policy framework, as set out in Article 13(l) of Regulation [...] on the deployment of alternative fuels infrastructure [AFIR].		
Article 6, second paragraph				
73	Where aircraft operators report difficulties to the European Union Aviation Safety Agency ('the Agency') in accessing aviation fuels containing sustainable aviation fuels at a given Union airport for lack of adequate airport infrastructure, the Agency may request the Union airport to provide the information necessary to prove compliance with paragraph 1. The Union airport concerned shall provide the information without undue delay.	Where aircraft operators report difficulties to the European Union Aviation Safety Agency ('the Agency') in accessing aviation fuels containing sustainable aviation fuels at a given Union airport for lack of adequate airport infrastructure, the Agency <b>shall, where appropriate, may request the Union airport, or where applicable, the managing body of the airport,</b> to provide the information necessary to prove compliance with– paragraph 1. The Union airport <b>or where applicable, the managing body of the airport,</b> concerned shall provide the information without undue delay.	Where aircraft operators report difficulties to the <del>European Union Aviation Safety Agency ('the Agency')</del> <b>competent authority of the Member State where the airport is located</b> in accessing aviation fuels containing <del>sustainable aviation fuels</del> SAF at a given Union airport, <b>the competent authority shall request the Managing body of that</b> for lack of adequate airport infrastructure, the Agency may request the Union airport to provide the information necessary to prove compliance with paragraph 1. The <b>Managing body of the</b> Union airport concerned shall provide the information without undue delay. <b>The competent authority shall transmit this information to the Agency for the purpose of establishing the technical report</b>	Where aircraft operators report difficulties to the competent authority of the Member State where the airport is located in accessing aviation fuels containing SAF at a given Union airport, the competent authority shall, <b>where appropriate,</b> request the <del>Managing body of that Union airport</del> <b>Union airport managing body</b> , to provide the information necessary to prove compliance with paragraph 1. The <b>Union airport</b> managing body of the <del>Union airport</del> concerned shall provide the information without undue delay. The competent authority shall transmit this information to the Agency for the purpose of establishing the technical report referred to in Article 12.  Proposal

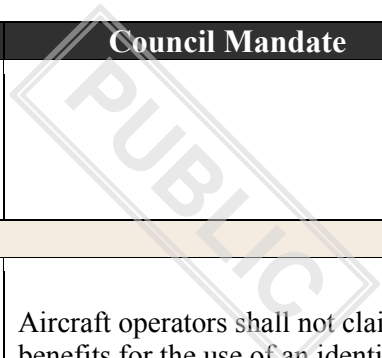
	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			referred to in Article 12.	B
Article 6, third paragraph				
74	The Agency shall assess the information received and inform the Commission if such information allows to conclude that the Union airport does not fulfil its obligations. Union airports shall take the necessary measures to identify and address the lack of adequate airport infrastructure in 5 years after the entry into force of the Regulation or after the year when they exceed one of the thresholds in Article 3(a).	The Agency shall assess the information received and inform the Commission if such information allows to conclude that the Union airport, <b>or where applicable, the managing body of the airport</b> , does not fulfil its obligations. Union airports, <b>or where applicable, the managing body of the airport</b> , shall take <del>the</del> <b>all</b> necessary measures to identify and address the lack of adequate airport infrastructure <del>in 5</del> <b>by 3</b> years after the entry into force of the Regulation <del>or after the year when they exceed one of the thresholds in Article 3(a).</del>	<del>The Agency shall assess the information received and inform the Commission if such information allows to conclude that the Union airport does not fulfil its obligations.</del> <b>Upon request from the competent authority, the Managing body of</b> Union airports shall take the necessary measures to identify and address the lack of adequate airport infrastructure in 5 years after the entry into force of the Regulation <del>or after the year when they exceed one of the thresholds in Article 3(a)</del> <b>access of aircraft operators to aviation fuels containing shares of SAF in accordance with this Regulation.</b>	<del>Upon request from the competent authority, the</del> <b>The competent authority shall assess the information received and inform the Commission if such information allows to conclude that the Union airport managing body of Union airports does not fulfil its obligations. In this case, the competent authority shall request the Union airport managing body, to</b> take the necessary measures to identify and address the lack of adequate access of aircraft operators to aviation fuels containing shares of SAF in accordance with this Regulation <b>by 5 years from the request of the competent authority.</b>  Proposal B
Article 7				
75	Article 7	Article 7	Article 7	Article 7

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	Reporting Obligations for Aircraft Operators	Reporting Obligations for Aircraft Operators	Reporting Obligations for Aircraft Operators	Reporting Obligations for Aircraft Operators A
Article 7, first paragraph, introductory part				
76	By 31 March of each reporting year, aircraft operators shall report the following information to the Agency:	By 31 March of each reporting year, aircraft operators shall report the following information <b>relative to the reporting period</b> to the Agency:	By 31 March of each reporting year, aircraft operators shall report the following information <b>with respect to a given reporting period to the competent authorities and to the Agency</b> :	By 31 March of each reporting year, aircraft operators shall report the following information with respect to a given reporting period to the competent authorities and the Agency  CGA  EP tentatively agrees  B
Article 7, first paragraph, point (a)				
77	(a) The total amount of aviation fuel uplifted at each Union airport, expressed in tonnes;	(a) The total amount of aviation fuel uplifted at each Union airport, expressed in tonnes <b>of kerosene equivalent</b> ;	(a) The total amount of aviation fuel uplifted at each Union airport, expressed in tonnes;	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b.  A
Article 7, first paragraph, point (b)				
78	(b) The yearly aviation fuel	(b) The yearly aviation fuel	(b) The yearly aviation fuel	

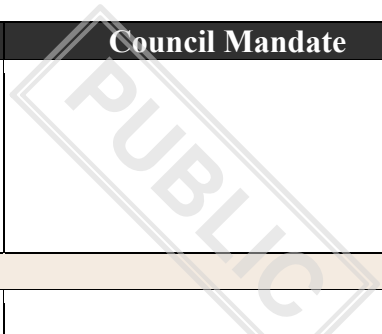
	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	required, per Union airport, expressed in tonnes;	required, per Union airport, expressed in tonnes <b>of kerosene equivalent</b> ;	required, per Union airport, expressed in tonnes;	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b.  A
Article 7, first paragraph, point (c)				
79	(c) The yearly non-tanked quantity, per Union airport. If the yearly non-tanked quantity is negative or if it is lower than 10% of the yearly aviation fuel required, the reported yearly non-tanked quantity shall be reported as 0;	(c) The yearly non-tanked quantity, per Union airport. If the yearly non-tanked quantity is negative or if it is lower than 10% of the yearly aviation fuel required, the reported yearly non-tanked quantity shall be reported as 0;	(c) The yearly non-tanked quantity, per Union airport. If the yearly non-tanked quantity is negative or if it is lower than 10% of the yearly aviation fuel required, the reported yearly non-tanked quantity shall be reported as 0;	(c) The yearly non-tanked quantity, per Union airport. If the yearly non-tanked quantity is negative or if it is lower than 10% of the yearly aviation fuel required, the reported yearly non-tanked quantity shall be reported as 0;  A
Article 7, first paragraph, point (d)				
80	(d) The total amount of sustainable aviation fuel purchased from aviation fuel suppliers, for the purpose of operating their flights departing from Union airports, expressed in tonnes.	(d) The total amount of sustainable aviation fuel purchased from aviation fuel suppliers, for the purpose of operating their flights departing from Union airports, expressed in tonnes: <b>of kerosene equivalent</b>	(d) The total amount of <del>sustainable aviation fuel</del> SAF purchased from aviation fuel suppliers, for the purpose of operating their <b>commercial air transport</b> flights departing from Union airports, expressed in tonnes.	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b.  A
Article 7, first paragraph, point (e)				
81	(e) For each purchase of	(e) For each purchase of	(e) For each purchase of	(e) For each purchase of SAF, the

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	sustainable aviation fuel, the name of the aviation fuel supplier, the amount purchased expressed in tonnes, the conversion technology, the characteristics and origin of the feedstock used for production, and the lifecycle emissions of the sustainable aviation fuel. Where one purchase includes sustainable aviation fuels with differing characteristics, the report shall provide this information for each type of sustainable aviation fuel.	sustainable aviation fuel, the name of the aviation fuel supplier, the <b>total</b> amount purchased expressed in tonnes <b>of kerosene equivalent</b> , the conversion technology, the characteristics and origin of the feedstock used for production, and the lifecycle emissions of the sustainable aviation fuel. Where one purchase includes sustainable aviation fuels with differing characteristics, the report shall provide this information for each type of sustainable aviation fuel.	<del>sustainable aviation fuel</del> SAF, the name of the aviation fuel supplier, the amount purchased expressed in tonnes, the conversion technology, the characteristics and origin of the feedstock used for production, and the lifecycle emissions of the <del>sustainable aviation fuel</del> SAF. Where one purchase includes <del>sustainable aviation fuels</del> SAF with differing characteristics, the report shall provide this information for each type of <del>sustainable aviation fuel</del> SAF.	name of the aviation fuel supplier, the amount purchased expressed in tonnes, the conversion <del>technology</del> <b>process</b> , the characteristics and origin of the feedstock used for production, and the lifecycle emissions of the SAF. Where one purchase includes <b>different types of</b> SAF with differing characteristics, the report shall provide this information for each type of SAF.  "Tonnes of kerosene equivalent" is directly linked to line 58a and 58b.  Proposal  A
Article 7, second paragraph				
G	82 The report shall be presented in accordance with the template laid down in Annex II.	The report shall be presented in accordance with the template laid down in Annex II.	The report shall be presented in accordance with the template laid down in Annex II.	The report shall be presented in accordance with the template laid down in Annex II.  A
Article 7, third paragraph				
Y	83 The report shall be verified by an independent verifier in compliance	The report shall be verified by an independent verifier in compliance	The report shall be verified by an independent verifier in compliance	The report shall be verified by an independent verifier in compliance

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>with the requirements set out in Articles 14 and 15 of Directive 2003/87/EC of the European Parliament and of the Council<sup>1</sup>, and in Commission Implementing Regulation (EU) 2018/2067<sup>2</sup></p> <p>1. Directive 2003/87/CE du Parlement européen et du Conseil du 13 octobre 2003 établissant un système d'échange de quotas d'émission de gaz à effet de serre dans la Communauté</p> <p>2. Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94).</p>	<p>with the requirements set out in Articles 14 and 15 of Directive 2003/87/EC of the European Parliament and of the Council<sup>1</sup>, and in Commission Implementing Regulation (EU) 2018/2067<sup>2</sup>.</p> <p>1. [1] Directive 2003/87/CE du Parlement européen et du Conseil du 13 octobre 2003 établissant un système d'échange de quotas d'émission de gaz à effet de serre dans la Communauté.</p> <p>2. [2] Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94).</p>	<p>with the requirements set out in Articles 14 and 15 of Directive 2003/87/EC of the European Parliament and of the Council<sup>1</sup>, and in Commission the implementing Regulation (EU) 2018/2067<sup>2</sup> acts adopted on the basis thereof</p> <p>1. Directive 2003/87/CE du Parlement européen et du Conseil du 13 octobre 2003 établissant un système d'échange de quotas d'émission de gaz à effet de serre dans la Communauté 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).</p> <p>2. Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94).</p>	<p>with the requirements set out in Articles 14 and 15 of Directive 2003/87/EC of the European Parliament and of the Council<sup>1</sup>, and the implementing acts adopted on the basis thereof</p> <p>1. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).</p> <p>CGA</p> <p>EP tentatively Agrees</p> <p>A</p>
	Article 8			
84	<p>Article 8</p> <p>Aircraft operator claiming of use of sustainable aviation fuels</p>	<p>Article 8</p> <p>Aircraft operator claiming of use of sustainable aviation fuels</p>	<p>Article 8</p> <p>Aircraft operator claiming of use of sustainable aviation fuels SAF</p>	<p>Article 8</p> <p>Aircraft operator claiming of use of SAF</p> <p>CGA</p>



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				EP tentatively agrees  A
Article 8, first paragraph, introductory part				
85	Aircraft operators shall not claim benefits for the use of an identical batch of sustainable aviation fuels under more than one greenhouse gas scheme. Together with the report referred to in Article 7, aircraft operators shall provide the Agency with:	<b>Aircraft operators shall be entitled to claim the allocation of free allowances under the ETS scheme for the uplifting of sustainable aviation fuels in accordance with [Article 3c (5a)] of Directive 2003/87/EC.</b> Aircraft operators shall not claim benefits for the use of an identical batch of sustainable aviation fuels under more than one greenhouse gas scheme. Together with the report referred to in Article 7, aircraft operators shall provide the Agency with:	Aircraft operators shall not claim benefits for the use of an identical batch of <del>sustainable aviation fuels</del> SAF under more than one greenhouse gas scheme. Together with the report referred to in Article 7, aircraft operators shall provide the Agency with:	1. Aircraft operators shall not claim benefits for the use of an identical batch of SAF under more than one greenhouse gas scheme. Together with the report referred to in Article 7, aircraft operators shall provide the Agency with:  Propose CGA  However, PCY proposes to consider transforming the EP amendment into a recital reflecting what is to be adopted in the framework of the ETS Directive.]  B
Article 8, first paragraph, point (a)				
86	(a) A declaration of greenhouse gas schemes they participate in and in which the use of sustainable aviation fuels may be reported;	(a) A declaration of greenhouse gas schemes they participate in and in which the use of sustainable aviation fuels may be reported;	(a) A declaration of greenhouse gas schemes they participate in and in which the use of <del>sustainable aviation fuels</del> SAF may be reported;	(a) A declaration of greenhouse gas schemes they participate in and in which the use of SAF may be reported;  CGA



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				EP tentatively agrees A
Article 8, first paragraph, point (b)				
87	(b) A declaration that they have not reported identical batches of sustainable aviation fuels under more than one scheme.	(b) A declaration that they have not reported identical batches of sustainable aviation fuels under more than one scheme.	(b) A declaration that they have not reported identical batches of <del>sustainable aviation fuels</del> SAF under more than one scheme.	(b) A declaration that they have not reported identical batches of SAF under more than one scheme. CGA EP tentatively agrees A
Article 8, second paragraph				
88	For the purpose of reporting sustainable aviation fuels use under the provisions of Article 7 of this Regulation, or under a greenhouse gas scheme, aviation fuel suppliers shall provide aircraft operators with the relevant information free of charge.	For the purpose of reporting sustainable aviation fuels use under the provisions of Article 7 of this Regulation, or under a greenhouse gas scheme, aviation fuel suppliers shall provide aircraft operators with the relevant information <b>relative to the reporting period</b> free of charge <b>not later than 31 January of each reporting year.</b>	For the purpose of reporting <del>sustainable aviation fuels</del> SAF use under the provisions of Article 7 of this Regulation, or under a greenhouse gas scheme, aviation fuel suppliers shall provide aircraft operators with the relevant information free of charge.	<b>2.</b> For the purpose of reporting SAF use under the provisions of Article 7 of this Regulation, or under a greenhouse gas scheme, aviation fuel suppliers shall provide aircraft operators with the relevant information <b>relative to the reporting period</b> free of charge <b>as soon as possible, and in any case not later than 14 February of each reporting year.</b>  <b>3.</b> The aircraft operator may

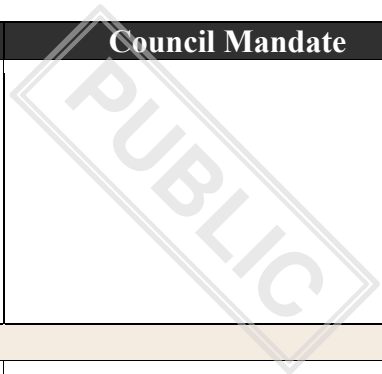


Article 9

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
89	Article 9 Reporting obligations for fuel suppliers	Article 9 Reporting obligations for fuel suppliers	Article 9 Reporting obligations for fuel suppliers	Article 9 Reporting obligations for fuel suppliers  A
Article 9, first paragraph, introductory part				
90	By 31 March of each reporting year, aviation fuel suppliers shall report in the Union Database referred to in Article 28 of Directive (EU) 2018/2001, the following information relative to the reporting period:	By 31 <del>March</del> <b>January</b> of each reporting year, aviation fuel suppliers shall report in the Union Database referred to in Article 28 of Directive (EU) 2018/2001, the following information relative to the reporting period:	By 31 March of each reporting year, aviation fuel suppliers shall report in the Union Database referred to in Article 28 of Directive (EU) 2018/2001, the following information relative to the reporting period:	By 31 <del>March</del> <b>14 February</b> of each reporting year, aviation fuel suppliers shall report in the Union Database referred to in Article 28 of Directive (EU) 2018/2001, the following information relative to the reporting period:  Proposal  EP tentatively agrees  B
Article 9, first paragraph, point (a)				
91	(a) The volume of aviation fuel supplied at each Union airport;	(a) The <del>volume</del> <b>amount</b> of aviation fuel supplied at each Union airport, <b>expressed in tonnes of kerosene equivalent</b> ;	(a) The volume of aviation fuel supplied at each Union airport;	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b.  A

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	Article 9, first paragraph, point (b)			
92	(b) The volume of sustainable aviation fuel supplied at each Union airport, and for each type of sustainable aviation fuel, as detailed in point c);	(b) The <del>volume</del> <b>amount</b> of sustainable aviation fuel supplied at each Union airport, <b>expressed in tonnes of kerosene equivalent</b> , and for each type of sustainable aviation fuel, as detailed in point <del>e</del> <b>(c)</b> ;	(b) The volume of <del>sustainable aviation fuel</del> <b>SAF</b> supplied at each Union airport, and for each type of <del>sustainable aviation fuel</del> <b>SAF</b> , as detailed in point c);	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b. <b>A</b>
	Article 9, first paragraph, point (c)			
93	(c) The lifecycle emissions, origin of feedstock and conversion process of each sustainable aviation fuel type supplied at Union airports.	(c) The lifecycle emissions, <b>characteristics and</b> origin of feedstock and conversion process of each sustainable aviation fuel type supplied at Union airports-;	(c) The <del>lifecycle emissions,</del> <b>conversion technology, the nature and origin of the feedstock used for production and the lifecycle emissions and conversion process</b> of each <del>sustainable aviation fuel</del> <b>SAF</b> type supplied at Union airports.	(c) The <del>conversion technology, the nature process, the</del> <b>characteristics and</b> origin of the feedstock used for production, and the lifecycle emissions of each <del>SAF</del> <b>SAF</b> type supplied at Union airports.  Proposal  EP tentatively agrees  <b>B</b>
	Article 9, first paragraph, point (ca)			
93a			<b>(ca) The yearly average concentration of total aromatic</b>	(ca) The <del>yearly average concentration</del> <b>content</b> of total

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>hydrocarbons, naphthalenes and sulphur in aviation fuel supplied at each Union airport.</p>	<p>aromatic hydrocarbons, naphthalenes, aromatics and naphthalenes by volume and sulphur by mass in aviation fuel per batch supplied at each Union airport and in aggregate by Union airport and at Union level. Aviation fuel suppliers shall indicate the test method applied to measure the content of each substance at batch level.</p> <p>See line 93c</p> <p>Aligns with the metric &amp; terminology used in relevant international fuel standards (ASTM) and terminology with other EU legislation. Test methods provide different results so also worth to have this information. Note that at each transition point, the fuel will typically be re-inspected and a Certificate of Analysis (COA) according to the relevant specification will be issued. Information at batch level will allow for meaningful analysis (min, max, average), monitoring and verification.</p> <p>Proposal</p> <p>A</p>
Article 9, first paragraph, point (ca)				



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
R	93b	(ca) Where applicable, the amount of hydrogen and/or electricity, supplied at each Union airport, expressed in tonnes of kerosene equivalent;		C
Article 9, first paragraph, point (cb)				
Y	93c	(cb) The average aromatic, naphthalene and sulphur content of aviation fuel per each batch supplied at each Union airport.		See line 93a A
Article 9, second paragraph				
Y	94	The Agency shall have access to the Union database and shall use the information contained in the Union database, once the information has been verified at Member State level pursuant to Article 28 of Directive (EU) 2018/2001.	The Agency <b>and the competent authorities</b> shall have access to the Union database. <del>The Agency and</del> shall use the information contained in the Union database, once the information has been verified at Member State level pursuant to Article 28 of Directive (EU) 2018/2001.	The Agency and the competent authorities shall have access to the Union database. The Agency shall use the information contained in the Union database, once the information has been verified at Member State level pursuant to Article 28 of Directive (EU) 2018/2001.  CGA  EP tentatively agrees  B

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Article 10				
95	Article 10 Competent authority	Article 10 Competent authority	Article 10 Competent authority	Article 10 Competent authority  A
Article 10(1)				
96	(1) Member States shall designate the competent authority or authorities responsible for enforcing the application of this Regulation and for imposing the fines for aircraft operators, Union airports and fuel suppliers. Member States shall inform the Commission thereof.	(1) Member States shall designate the competent authority or, <b>where applicable and in accordance with national law, or</b> authorities responsible for enforcing the application of this Regulation and for imposing the fines <del>for</del> <b>on</b> aircraft operators, <b>on</b> Union airports, <b>or where applicable, on the managing bodies of airports, and on</b> fuel suppliers. Member States shall inform the Commission thereof.	(1) Member States shall designate the competent authority or authorities responsible for enforcing the application of this Regulation and for imposing the fines for aircraft operators, Union airports and fuel suppliers. Member States shall inform the Commission thereof.	(1) Member States shall designate the competent authority or authorities responsible for enforcing the application of this Regulation and for imposing the fines <del>for</del> <b>on</b> aircraft operators, <b>on the Union airports and airport managing bodies, and on</b> fuel suppliers. Member States shall inform the Commission thereof.  Proposal  EP tentatively agrees  B
Article 10(2)				
97	(2) The Agency shall send the data received pursuant to Articles 7 and 9 to the competent authorities of the Member States. The Agency	(2) The Agency shall send the data received pursuant to Articles 7 and 9 to the competent <b>authority or</b> authorities of the Member States.	(2) The Agency shall send <del>the data received pursuant to Articles 7 and 9 to the competent authorities of</del> the Member States. The Agency	  Propose CGA  A

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	shall also send to the competent authorities data aggregated for the aircraft operators and aviation fuels suppliers for which the authorities are competent pursuant to paragraphs 3, 4 and 5.	The Agency shall also send to the competent authorities data aggregated for the aircraft operators and aviation fuels suppliers for which the authorities are competent pursuant to paragraphs 3, 4 and 5.	shall also send to the competent authorities data aggregated for the aircraft operators and aviation fuels suppliers for which the authorities are competent pursuant to paragraphs 3, 4 and 5.	
Article 10(3)				
98	<p>(3) The competent authorities in respect of an aircraft operator shall be determined pursuant to Commission Regulation (EC) No 748/2009<sup>1</sup>.</p> <p>1. Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC</p>	<p>(3) The competent <b>authority or</b> authorities in respect of an aircraft operator shall be determined pursuant to Commission Regulation (EC) No 748/2009<sup>1</sup>.</p> <p>1. [1] Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC.</p>	<p>(3) The <b>Member State whose</b> competent <del>authorities in respect of an</del> <b>authority(ies) referred to in paragraph 1 of this Article is responsible for a given</b> aircraft operator shall be determined pursuant to Commission Regulation (EC) No 748/2009<sup>1</sup>.</p> <p>1. [1] Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC (OJ L 219, 22.08.2009, p. 1).</p>	<p>(3) The Member State whose competent authority(ies), or <b>authorities</b>, referred to in paragraph 1 of this Article is responsible for a given aircraft operator shall be determined pursuant to Commission Regulation (EC) No 748/2009<sup>1</sup>.</p> <p>1. [1] Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC (OJ L 219, 22.08.2009, p. 1).</p> <p>Proposal</p> <p>EP tentatively agrees</p> <p>A</p>
Article 10(4)				

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
99	(4) The competent authorities in respect of Union airports shall be determined on the basis of the respective territorial jurisdiction.	(4) The competent <b>authority or</b> authorities in respect of Union airports shall be determined on the basis of the respective territorial jurisdiction.	(4) The <b>Member State whose competent authority(ies) referred to in paragraph 1 of this Article is responsible for a given Union airport</b> shall be determined on the basis of the respective territorial jurisdiction.	(4) The Member State whose competent authority(ies), <b>or authorities</b> , referred to in paragraph 1 of this Article is responsible for a given Union airport <b>managing body</b> shall be determined on the basis of the respective territorial jurisdiction <b>of the Union airport</b> .  Proposal  EP tentatively agrees  A
Article 10(5)				
100	(5) The competent authorities in respect of aviation fuel suppliers shall be determined pursuant to their Member State of establishment.	(5) The competent <b>authority or</b> authorities in respect of aviation fuel suppliers shall be determined pursuant to their Member State of establishment.	(5) The <b>Member State whose competent authority(ies) referred to in paragraph 1 of this Article is responsible for a given aviation fuel supplier shall be the Member State in which the aviation fuel supplier has its registered office.</b> <b>For aviation fuel suppliers which do not have a registered office in a Member State, the Member State concerned shall be determined pursuant to theirthe</b>	(5) The Member State whose competent authority(ies) <b>or authorities</b> referred to in paragraph 1 of this Article is responsible for a given aviation fuel supplier shall be the Member State in which the aviation fuel supplier has its registered office. -For aviation fuel suppliers which do not have a registered office in a Member State, the Member State concerned shall be the one in which the aviation fuel supplier supplied the most aviation fuel in

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>one in which the aviation fuel supplier supplied the most aviation fuel in 2023 or in the first year of providing aviation fuel in the EU market, whichever the latest. Such an aviation fuel supplier may present a reasoned request to its competent authority to be reattributed to another Member State, in case it has supplied the most of its aviation fuel in that latter Member State over the two years preceding the request. The decision of reattribution shall be made within nine months following the request, shall be subject to the agreement of the competent authorities of the Member State of reattribution and of the Commission and shall enter into force at the beginning of the reporting period following the date of that decision of establishment.</p>	<p>2023 or in the first year of providing aviation fuel in the EU market, whichever the latest. Such an aviation fuel supplier may present a reasoned request to its competent authority to be reattributed to another Member State, in case it has supplied the most of its aviation fuel in that latter Member State over the two years preceding the request. The decision of reattribution shall be made within nine months following the request, shall be subject to the agreement of the competent authorities of the Member State of reattribution and of the Commission and shall enter into force at the beginning of the reporting period following the date of that decision.</p> <p>Proposal</p> <p>B</p>
Article 11				
101	Article 11 Enforcement	Article 11 Enforcement	Article 11 Enforcement	Article 11 Enforcement

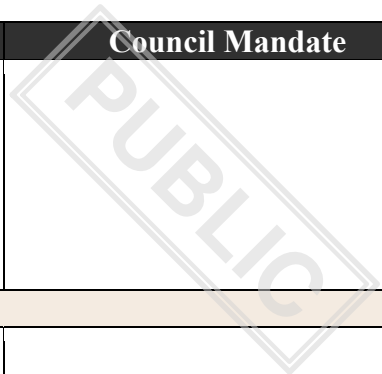
	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Article 11(1)				
102	(1) Member States shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify these provisions to the Commission by 31 December 2023 at the latest and shall notify it without delay of any subsequent amendment affecting them.	(1) <del>Member States</del> <b>The Commission</b> shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Regulation and <b>Member States</b> shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. <b>The Commission</b> <del>Member States</del> shall <del>notify</del> <b>deliver</b> these provisions to <del>the Commission</del> <b>Member States</b> by 31 December 2023 at the latest and shall notify it without delay of any subsequent amendment affecting them.	(1) Member States shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify these provisions to the Commission by 31 December 2023 at the latest and shall notify it without delay of any subsequent amendment affecting them.	(1) Member States shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify these provisions to the Commission by 31 December 2023 at the latest and shall notify it without delay of any subsequent amendment affecting them.  Propose COM text  B
Article 11(2)				
103	(2) Member States shall ensure that any aircraft operator failing to comply with the obligations laid down in Article 5 is liable to an administrative fine. That fine shall be at least twice as high as the multiplication of the yearly average price of aviation fuel per tonne and	(2) Member States shall ensure that any aircraft operator failing to comply with the obligations laid down in Article 5 is liable to an administrative fine. That fine shall be <del>at least</del> twice as high as the multiplication of the yearly average price of aviation fuel per	(2) Member States shall ensure that any aircraft operator failing to comply with the obligations laid down in Article 5 is liable to an <del>administrative</del> fine. That fine shall be at least twice as high as the multiplication of the yearly average price of aviation fuel per	Propose CGA  "administrative" cannot be kept in the text as several MS have in their constitution that administrative fines are not allowed.  EP to clarify further on the force

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	of the total yearly non-tanked quantity;	tonne and of the total yearly non-tanked quantity. <b>An aircraft operator may be exempted from an administrative fine if it can prove that its failure to comply with the obligations laid down in Article 5 is caused by exceptional and unforeseeable circumstances, outside of its control, the effects of which could not have been avoided even if all reasonable measures had been taken.</b>	tonne and of the total yearly non-tanked quantity;	majeure circumstances To be dealt with Article 5 B
Article 11(2a)				
103a		<b>2a. Member States shall ensure that any Union airport, or where applicable, the managing body of an airport, failing to comply with the obligations laid down in Article 6 is liable to an administrative fine.</b>		<b>2a. Member States shall ensure that the Union airport managing body failing to comply with obligations laid down in Article 6 is liable to a fine.</b>  Proposal B
Article 11(3)				
104	(3) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4	(3) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4	(3) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4	(3) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	relative to the minimum share of sustainable aviation fuels is liable to an administrative fine. That fine shall be at least twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and sustainable aviation fuel per tonne and of the quantity of aviation fuels not complying with the minimum share referred to in Article 4 and Annex I;	relative to the minimum share of sustainable aviation fuels <b>or any fuel supplier that has been proven to have provided misleading or inaccurate information regarding the characteristics or origin of the fuel it supplied,</b> is liable to an administrative fine. That fine shall be <del>at least</del> twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and sustainable aviation fuel per tonne and of the quantity of aviation fuels not complying with the minimum share referred to in Article 4 and Annex I;	relative to the minimum share of <del>sustainable aviation fuels</del> SAF is liable to an administrative fine. That fine shall be at least twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and <del>sustainable aviation fuel</del> SAF per tonne and of the quantity of aviation fuels not complying with the minimum share referred to in Article 4 and Annex I;	relative to the minimum share of SAF is liable to a fine. That fine shall be at least twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and SAF per tonne and of the quantity of aviation fuels not complying with the minimum share referred to in Article 4 and Annex I;  Propose CGA  EP to explain further whether misleading information should be penalised in the same manner as not complying with the minimum share.  is this already covered by RED?  B
Article 11(4)				
105	(4) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4 relative to the minimum share of synthetic aviation fuels is liable to an administrative fine. That fine shall be at least twice as high as the multiplication of the difference	(4) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4 relative to the minimum share of synthetic aviation fuels is liable to an administrative fine. That fine shall be <del>at least</del> twice as high as the multiplication of the difference	(4) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4 relative to the minimum share of synthetic aviation fuels is liable to an <del>administrative</del> fine. That fine shall be at least twice as high as the multiplication of the difference	(4) Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4 relative to the minimum share of synthetic aviation fuels is liable to an fine. That fine shall be at least twice as high as the multiplication of the difference between the

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	between the yearly average price of synthetic aviation fuel and conventional aviation fuel per tonne and of the quantity of the aviation fuel not complying with the minimum share referred to in Article 4 and Annex I;	between the yearly average price of synthetic aviation fuel and conventional aviation fuel per tonne and of the quantity of the aviation fuel not complying with the minimum share referred to in Article 4 and Annex I;	between the yearly average price of synthetic aviation fuel and conventional aviation fuel per tonne and of the quantity of the aviation fuel not complying with the minimum share referred to in Article 4 and Annex I;	yearly average price of synthetic aviation fuel and conventional aviation fuel per tonne and of the quantity of the aviation fuel not complying with the minimum share referred to in Article 4 and Annex I;  Propose CGA  B
Article 11(5)				
106	(5) In the decision imposing the administrative fines referred to in paragraphs 3 and 4, the competent authority shall explain the methodology applied for the determination of the price of aviation fuel, sustainable aviation fuel and synthetic aviation fuel on the Union market, based on verifiable and objective criteria;	(5) In the decision imposing the administrative fines referred to in paragraphs 3 and 4, the competent authority shall explain the methodology applied for the determination of the price of aviation fuel, sustainable aviation fuel and synthetic aviation fuel on the Union market, based on verifiable and objective criteria;	(5) In the decision imposing the administrative fines referred to in paragraphs 3 and 4, the competent authority shall explain the methodology applied for the determination of the price of aviation fuel, sustainable aviation fuel, SAF and synthetic aviation fuel on the Union market, based on verifiable and objective criteria <b>including the latest available technical report referred to in Article 12;</b>	(5) In the decision imposing the fines referred to in paragraphs 3 and 4, the competent authority shall explain the methodology applied for the determination of the price of aviation fuel, SAF and synthetic aviation fuel on the Union market, based on verifiable and objective criteria including the latest available technical report referred to in Article 12;  CGA  EP tentatively agrees  B

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Article 11(5a)				
106a		5a. Member States shall have the necessary legal and administrative framework in place at national level to ensure that information entered by fuel suppliers in the Union Database referred to in Article 28 of Directive (EU) 2018/2001 is accurate, verified and audited.		EP to explain further B
Article 11(6)				
107	(6) Member States shall ensure that any aviation fuel supplier which has accumulated a shortfall from the obligation laid down in Article 4 relative to the minimum share of sustainable aviation fuels or of synthetic fuels in a given reporting period, shall supply the market in the subsequent reporting period with a quantity of that respective fuel equal to that shortfall, additional to their reporting period obligation. Fulfilling this obligation shall not exonerate the fuel supplier from the obligation to pay the penalties laid out in paragraphs 3 and 4 of this Article;	(6) Member States shall ensure that any aviation fuel supplier which has accumulated a shortfall from the obligation laid down in Article 4 relative to the minimum share of sustainable aviation fuels or of synthetic fuels in a given reporting period, <b>where the Commission assesses that this shortfall is not caused by insufficient resources being available</b> , shall <b>make every possible effort to</b> supply the market in the subsequent reporting period with a quantity of that respective fuel equal to that shortfall, additional to their reporting period obligation.	(6) Member States shall ensure that any aviation fuel supplier which has accumulated a shortfall from the obligation laid down in Article 4 relative to the minimum share of <del>sustainable aviation fuels</del> SAF or of synthetic fuels in a given reporting period, shall supply the market in the subsequent reporting period with a quantity of that respective fuel equal to that shortfall, additional to their reporting period obligation. Fulfilling this obligation shall not exonerate the fuel supplier from the obligation to pay the penalties laid out in paragraphs 3 and 4 of this Article;	EP to explain further B



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		Fulfilling this obligation shall not exonerate the fuel supplier from the obligation to pay the penalties laid out in paragraphs 3 and 4 of this Article;		
Article 11(7)				
108	(7) Member States shall have the necessary legal and administrative framework in place at national level to ensure the fulfilment of the obligations and the collection of the administrative fines. Member States shall transfer the amount collected through those administrative fines as contribution to the InvestEU Green Transition Investment Facility, as a top-up to the EU guarantee.	(7) Member States shall have the necessary legal and administrative framework in place at national level to ensure the fulfilment of the obligations and the collection of the administrative fines. Member States shall transfer the amount collected through those administrative fines as contribution to the <del>InvestEU Green Transition Investment Facility, as a top-up to the EU guarantee</del> <b>Sustainable Aviation Fund, established under Article 11a.</b>	(7) Member States shall have the necessary legal and administrative framework in place at national level to ensure the fulfilment of the obligations and the collection of the administrative fines. <del>Member States shall transfer the amount collected through those administrative fines as contribution to the InvestEU Green Transition Investment Facility, as a top-up to the EU guarantee.</del>	(7) Member States shall have the necessary legal and administrative framework in place at national level to ensure the fulfilment of the obligations and the collection of the fines.  Propose CGA  B
Article 11(7a)				
108a			<b>7a. Member States should ensure that the revenues generated from fines, or the equivalent in financial value of those revenues, are used to support research and innovation projects in the field of SAF, the</b>	7a. Member States should ensure that the revenues generated from fines, or the equivalent in financial value of those revenues, are used to support research and innovation projects in the field of SAF, the production of SAF or mechanisms

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			production of SAF or mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels.	allowing to bridge the price differences between SAF and conventional aviation fuels.  Propose CGA  B
Article 11a				
108b		Article 11a Sustainable Aviation Fund		EP to explain further  B
Article 11a(1)				
108c		1. A Sustainable Aviation Fund ('the Fund') shall be established for the period from 2023 to 2050 to accelerate the decarbonisation of the aviation sector without hampering its highly integrated internal market, and in particular to support investment in innovative technologies and infrastructure for the production, uptake, deployment and storage of sustainable aviation fuels, other innovative aircraft propulsion technologies, including hydrogen and		EP to explain further  B

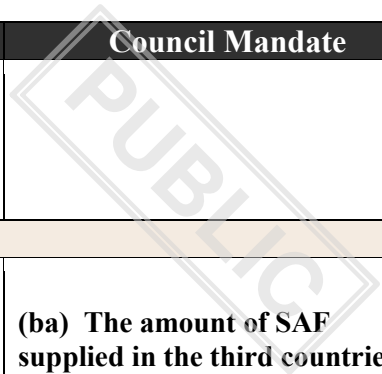


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		electricity, research for new engines and direct air capture technology, a process by which CO <sub>2</sub> is captured directly from the air and not from point sources, and efforts to reduce the non-CO <sub>2</sub> effects of aviation. All investment supported by the Fund shall be made public and shall be consistent with the aims of this Regulation.		
Article 11a(2)				
y	108d	2. The Fund shall constitute an integral part of the EU budget and shall be budgeted within the MFF ceilings. The revenues generated by the penalties under this Regulation should be allocated to the Fund		EP to explain further B
Article 11a(3)				
y	108e	3. The Fund shall be managed centrally through a Union body whose governance structure and decision making process shall be transparent and inclusive, in particular in the setting of priority areas, criteria and grant allocation procedures. Relevant		EP to explain further B

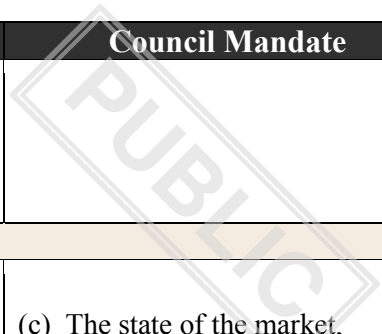


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		stakeholders shall have an appropriate consultative role. All information on the investments and all other relevant information on the functioning of the Fund shall be made available to the public.		
Article 12				
109	Article 12 Data collection and publication	Article 12 Data collection and publication	Article 12 Data collection and publication	Article 12 Data collection and publication  A
Article 12, first paragraph, introductory part				
110	The Agency shall publish every year a technical report on the basis of the yearly reports referred to in Articles 7 and 9. That report shall contain at least the following information:	The Agency shall publish every year a technical report on the basis of the yearly reports referred to in Articles 7 and 9. That report shall contain at least the following information:	The Agency shall publish every year a technical report on the basis of the yearly reports referred to in Articles 7 and 9 <b>and forward it to the Council and the European Parliament.</b> That report shall contain at least the following information:	The Agency shall publish every year a technical report on the basis of the yearly reports referred to in Articles 7 and 9 and forward it to the Council and the European Parliament. That report shall contain at least the following information:  CGA  EP tentatively agrees  A

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Article 12, first paragraph, point (a)				
111	(a) The amount of sustainable aviation fuel purchased by aircraft operators at Union level in aggregate, for use on flights departing from a Union airport, and by Union airport;	(a) The amount of sustainable aviation fuel purchased by aircraft operators at Union level in aggregate, for use on flights <b>covered by this Regulation</b> departing from a Union airport, and by Union airport;	(a) The amount of <del>sustainable aviation fuel</del> SAF purchased by aircraft operators at Union level in aggregate, for use on <b>commercial air transport</b> flights departing from a Union airport, and by Union airport;	(a) The amount of SAF purchased by aircraft operators at Union level in aggregate, for use on commercial air transport flights departing from a Union airport, and by Union airport;  Propose CGA  A
Article 12, first paragraph, point (b)				
112	(b) The amount of sustainable aviation fuel and of synthetic aviation fuel supplied at Union level in aggregate and by Union airport;	(b) The amount of sustainable aviation fuel and of synthetic aviation fuel supplied at Union level in aggregate, <b>by Member State, per type of fuel feedstock</b> , and by Union airport;	(b) The amount of <del>sustainable aviation fuel</del> SAF and of synthetic aviation fuel supplied at Union level in aggregate and by Union airport <b>and an analysis of the capacity of suppliers in each Member State to meet the planned incorporation trajectory</b> ;	(b) The amount of SAF and of synthetic aviation fuel supplied at Union level in aggregate, <b>per Member State and per</b> <del>and by</del> Union airport.  <b>The report shall include the amount and type of feedstock used at Union level, per Member State and per Union airport.</b>  <b>The report shall include</b> <del>and</del> an analysis of the capacity of suppliers in each Member State to meet the planned incorporation trajectory;

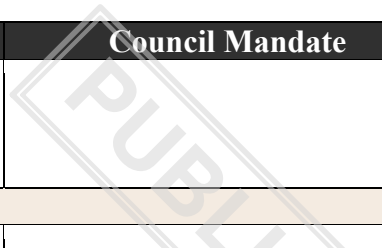


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				Proposal B
Article 12, first paragraph, point (ba)				
112a			<b>(ba) The amount of SAF supplied in the third countries with which an Air Services Agreement has been concluded by the Union, or the Union and its Member States, and to the extent possible in other third countries</b>	<b>(ba) To the extent possible, the amount of SAF supplied, in the third countries with which an agreement that regulates the provision of air services Agreement has been concluded by the Union, or the Union and its Member States, and to the extent possible in other third countries where such information is publicly available;</b>  Proposal  EP tentatively agrees  A
Article 12, first paragraph, point (ba)				
112b		<b>(ba) Where available, the amount of sustainable aviation fuel supplied and purchased by aircraft operators in the neighbouring countries of the</b>		see line 112a  EP tentatively agrees



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		Union with which a European Air Services Agreement has been concluded;		A
Article 12, first paragraph, point (c)				
113	(c) The state of the market, including price information, and trends in sustainable aviation fuel production and use in the Union;	(c) The state of the market, including price information, and trends in sustainable aviation fuel production and use in the Union <b>and per Member State</b> ;	(c) The state of the market, including price information, and trends in <del>sustainable aviation fuel</del> SAF production and use in the Union <b>and the third countries with which an Air Services Agreement has been concluded by the Union, or the Union and its Member States, and to the extent possible in other third countries. The state of market shall include information on the evolution of the price gap between SAF and fossil fuels</b> ;	(c) The state of the market, including price information, and trends in SAF production and use in the Union and <b>per Member State and, to the extent possible, in the third countries with which an agreement that regulates the provision of air services Agreement</b> has been concluded by the Union, or the Union and its Member States, and to the extent possible in other third countries. The state of market shall include information on the evolution of the price gap between SAF and fossil fuels;  Proposal  EP tentatively agrees  B
Article 12, first paragraph, point (d)				
114				

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	(d) The status of compliance of airports regarding obligations set out in Article 6;	(d) The status of compliance of airports, <b>or where applicable, the managing body of an airport</b> , regarding obligations set out in Article 6;	(d) The status of compliance of airports regarding obligations set out in Article 6;	(d) The status of compliance of airports <b>the Union airport managing body</b> , regarding obligations set out in Article 6;  Proposal  EP tentatively agrees  B
Article 12, first paragraph, point (e)				
115	(e) The compliance status of each aircraft operator and aviation fuel supplier having an obligation under this Regulation in the reporting period;	(e) The compliance status of each aircraft operator and aviation fuel supplier having an obligation under this Regulation in the reporting period, <b>including those that have been notified as aircraft operator, pursuant to Article 3, paragraph 1, indent 2;</b>	(e) The compliance status of each aircraft operator and aviation fuel supplier having an obligation under this Regulation in the reporting period;	Depends on the definition of "aircraft operators" and whether opt-ins are agreed upon.  B
Article 12, first paragraph, point (f)				
116	(f) The origin and the characteristics of all sustainable aviation fuels purchased by aircraft operators for use on flights departing from Union airports.	(f) The origin and the characteristics of all sustainable aviation fuels purchased by aircraft operators for use on flights <b>covered under this Regulation</b> departing from Union airports-;	(f) The origin and the characteristics of all <del>sustainable aviation fuels</del> SAF purchased by aircraft operators for use on flights departing from Union airports.	(f) The origin and the characteristics of all SAF purchased by aircraft operators for use on flights departing from Union airports-;  Propose CGA



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				A
Article 12, first paragraph, point (g)				
116a			<p><b>(g) The yearly average concentration of total aromatic hydrocarbons, naphthalenes and sulphur in aviation fuel supplied at Union level in aggregate and by Union airport.</b></p>	<p><del>(g)(fa) The yearly average concentration content of total aromatic hydrocarbons, naphthalenes and naphthalenes by volume and sulphur by mass in aviation fuel supplied at Union level in aggregate and by Union airport.</del></p> <p>Proposal</p> <p>Aligned with the text in Article 9</p> <p>A</p>
Article 12, second paragraph				
116b			<p><b>The Agency shall consult the Committee referred to in Article 13a(1) when drawing up that report.</b></p>	<p>The Agency shall consult the Committee referred to in Article 13a(1) when drawing up that report.</p> <p>Propose CGA</p> <p>B</p>
Article 12, first paragraph, point (fa)				



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
116c		(fa) The average aromatic, naphthalene and sulphur content of aviation fuel supplied at Union level in aggregate and by Union airport.		see line 116a A
Article 12a				
116d		Article 12a Union labelling system for the environmental performance of aviation		Elements essential to the labelling system must be laid down in the basic act and any powers given to EASA must be strictly circumscribed and precisely defined to ensure no policy making power is granted to EASA (Meroni case-law) B
Article 12a(1)				
116e		1. In order to further promote the decarbonisation of the aviation sector and increase the transparency of information to consumers regarding the environmental performance by aircraft operators, the Commission shall set up a		Elements essential to the labelling system must be laid down in the basic act and any powers given to EASA must be strictly circumscribed and precisely defined to ensure no



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		comprehensive Union labelling system for the environmental performance of aviation, to be developed and implemented by EASA, which shall apply to aircraft operators and commercial air transport flights subject to this Regulation.		policy making power is granted to EASA (Meroni case-law)  B
Article 12a(2)				
116f		2. By 1 January 2024, the Commission shall adopt a delegated act in accordance with Article 13a (new) to supplement this Regulation by setting out the detailed provisions and technical standards for the functioning of the Union labelling system for the environmental performance of aircrafts, aircraft operators and commercial flights.		Elements essential to the labelling system must be laid down in the basic act and any powers given to EASA must be strictly circumscribed and precisely defined to ensure no policy making power is granted to EASA (Meroni case-law)  B
Article 13				
117	Article 13 Transitional period	Article 13 <del>Transitional period</del> SAF flexibility mechanism	Article 13 Transitional period	Propose CGA  see line 120  B

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	Article 13, first paragraph			
118	By way of derogation from Article 4, from 1 January 2025 until 31 December 2029, for each reporting period, an aviation fuel supplier may supply the minimum share of sustainable aviation fuel defined in Annex I as a weighted average over all the aviation fuel it supplied across Union airports for that reporting period.	By way of derogation from Article 4, , <b>and during the period of 10 years from the date of application for Article 4 and 5 in accordance with Article 15</b> <del>from 1 January 2025 until 31 December 2029</del> , for each reporting period, an aviation fuel supplier may <del>supply the minimum share</del> <b>justify its supply</b> of sustainable aviation <del>fuel</del> <b>fuels</b> defined in Annex I as a weighted average over all the aviation fuel it supplied across Union airports for that reporting period <b>by reference to a SAF flexibility mechanism, defined in Article 3, indent 16a (new).</b>	By way of derogation from Article 44(1), from 1 January 2025 until 31 December 2029 <del>2034</del> , for each reporting period, an aviation fuel supplier may supply the minimum share of sustainable aviation <del>fuel</del> <b>SAF</b> defined in Annex I as a weighted average over all the aviation fuel it supplied across Union airports for that reporting period.	By way of derogation from Article 4(1), from 1 January 2025 until 31 December 2034, for each reporting period, an aviation fuel supplier may supply the minimum share of SAF defined in Annex I as a weighted average over all the aviation fuel it supplied across Union airports for that reporting period.  Propose CGA  see line 120  B
	Article 13, first paragraph a			
118a		<b>By 1 January 2025, the Commission shall adopt delegated acts in accordance with Article 13a to supplement this Regulation by laying down detailed arrangements for the SAF flexibility mechanism, guaranteeing a level playing field and a high level of environmental</b>		see line 120  B

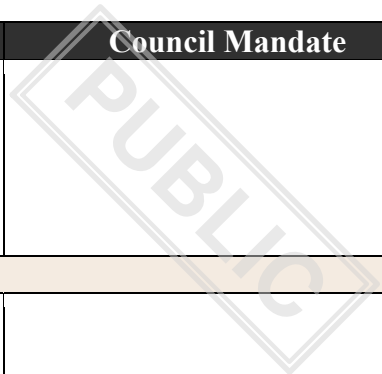


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>integrity, as well as minimising the risk of fraud, irregularities and double claiming. Such detailed arrangements, incorporating elements of a book &amp; claim scheme, may enable the setting up of a system of tradability of sustainable aviation fuel, including detailed rules regarding the registration, allocation, accounting and reporting of the supply and uptake of sustainable aviation fuels.</p>		
Article 13, first paragraph b				
118b		<p>During the period set out in paragraph 1, the Commission shall regularly monitor the integrity and transparency of the market for sustainable aviation fuels, drawing, where appropriate, on information contained in the Union Database and other data reported to the competent authorities. The Commission shall in particular examine the functioning of the market, including with regard to any market volatility, unusual price evolution or trading behaviour of market participants</p>		<p>see line 120</p> <p><b>B</b></p>

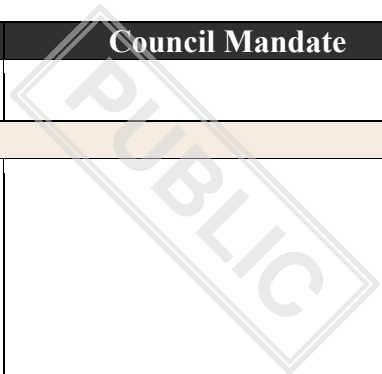


	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		that might indicate possible monopolistic behaviour, making full use of its powers under Article 102 TFEU to prevent actors on the market from abusing a dominant market position.		
Article 13a				
118c			Article 13a Committee procedure	Article 13a Committee procedure  Propose CGA  Committee (in CGA) is needed in 4 cases:  1. Article 4 – suspension of national mandates 2. Article 5 – suspension of anti-tankering provision exemptions 3. Article 12 - Consultation 4. Article 14 - Consultation  B
Article 13a(1)				
118d			1. The Commission shall be assisted by the RefueLEU Aviation Committee, hereinafter	1. The Commission shall be assisted by the RefueLEU Aviation Committee, hereinafter referred to

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			referred to as "the Committee". The Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	as "the Committee". The Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.  Propose CGA  B
Article 13a(2)				
118e			2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.  Propose CGA  B
Article 13a				
118f		Article 13a Exercise of the delegation		Delegated acts proposed by the EP for the SAF Flexibility Mechanism and the Union Labelling System  B
Article 13a(1)				
118g		1. The power to adopt delegated		



	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>COREPER Meeting - 12 Oct</b>
		acts is conferred on the Commission subject to the conditions laid down in this Article.		B
Article 13a(2)				
118h		2. The power to adopt delegated acts referred to in Articles 12a and 13 shall be conferred on the Commission for an indeterminate period of time from [the entry into force of this Regulation].		B
Article 13a(3)				
118i		3. The delegation of power referred to in Articles 12a and 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		B



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
Article 13a(4)				
y	118j	<b>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</b>		B
Article 13a(5)				
y	118k	<b>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</b>		B
Article 13a(6)				
y	118l	<b>6. A delegated act adopted pursuant to Articles 12a and 13 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the</b>		B



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<b>Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.</b>		
Article 14				
119	Article 14 Reports and Review	Article 14 Reports and Review	Article 14 Reports and Review	Article 14 Reports and Review <b>A</b>
Article 14, first paragraph				
120	By 1 January 2028 and every five years thereafter, the Commission services shall present a report to the European Parliament and the Council, on the evolution of the aviation fuels market and its impact on the aviation internal market of the Union, including regarding the possible extension of the scope of this Regulation to other energy sources, and other types of synthetic fuels defined under the Renewable Energy Directive, the	By 1 January <del>2028</del> <b>2026</b> and every <del>five</del> <b>three</b> years thereafter, the Commission services shall present a report to the European Parliament and the Council, on <b>the application of this Regulation,</b> the evolution of the aviation fuels market and <del>its</del> <b>the</b> impact on the <b>competitiveness and the functioning of the</b> aviation internal market of the Union, including <del>regarding the possible extension of the scope of this</del>	By 1 January <del>2028</del> <b>2027</b> and every five years thereafter, the Commission services shall present a report to the European Parliament and the Council, on the evolution of the aviation fuels market and its impact on the aviation internal market of the Union, including regarding the possible extension of the scope of this Regulation to other energy sources; and other types of synthetic fuels defined under the Renewable Energy	By 1 January 2027 and every five years thereafter, the Commission services shall present a report to the European Parliament and the Council, on the <b>application of this Regulation,</b> the evolution of the aviation fuels market and <del>its</del> <b>the</b> impact on the <b>competitiveness and the functioning of the</b> aviation internal market of the Union, including regarding the possible extension of the scope of this Regulation to other energy

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	<p>possible revision of the minimum shares in Article 4 and Annex I, and the level of administrative fines. The report shall include information, where available, on development of a potential policy framework for uptake of sustainable aviation fuels at ICAO level. The report shall also inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to sustainable aviation fuels, including with regards to the reduction of non-CO<sub>2</sub> emissions. The report may consider if this Regulation should be amended and, options for amendments, where appropriate, in line with a potential policy framework on sustainable aviation fuels uptake at ICAO level.</p>	<p><b>Regulation to , where appropriate, available policy options to address other energy sources, and other types of synthetic fuels defined under the Renewable Energy Directive, while taking due account of the principle of technological neutrality, the possible revision of the SAF definition and the minimum shares in Article 4 and Annex I, the scope of the Regulation and the level of administrative fines. The report shall include an assessment, based on available information, of the impact of this Regulation, as well as its comprehensive impact and interplay with the adapted legislative framework applicable to the sector as a whole, on the functioning of the internal market in aviation, the sector's competitiveness, possible re-routing leading to carbon leakage, the international level playing field with regards to air carriers and airport hubs, the effect on air mobility and connectivity, cost effectiveness of GHG emissions reductions, investment needs and socioeconomic impacts as well as</b></p>	<p><b>Directive, in particular to electricity and hydrogen, the possible revision of the minimum shares in Article 4 and Annex I, and the level of administrative fines. The report shall take into account policy developments in other countries, including in the context of multilateral and bilateral agreements with the Union, and shall include information a detailed assessment of the impact of this regulation on connectivity for islands and remote territories, on the competitiveness of European air carriers and airport hubs vis-à-vis their competitors in neighbouring countries, on carbon leakage and, where available, information on development of a potential policy framework for uptake of sustainable aviation fuels SAF at ICAO level. The report shall also inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to sustainable aviation fuels SAF, including with regards to the reduction of non-CO<sub>2</sub> emissions.</b></p>	<p>sources and other types of synthetic fuels defined under the Renewable Energy Directive, <b>while taking due account of the principle of technological neutrality</b>, in particular to electricity and hydrogen, the possible revision of the <b>SAF definition and the minimum shares in Article 4 and Annex I, the scope of the Regulation</b> and the level of fines. The report shall take into account policy developments in other countries, including in the context of multilateral and bilateral agreements with the Union, and shall include a detailed assessment of the impact of this regulation on connectivity, <b>in particular</b> for islands and remote territories, on the competitiveness of European air carriers and airport hubs vis-à-vis their competitors in neighbouring countries, on carbon leakage, <b>cost-effectiveness of GHG emissions reductions, investments needs and socioeconomic impacts as well as the related employment and training needs</b> and, where available, information on development of a potential policy</p>

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p><b>the related employment and training needs and, where available, information on development of a potential policy framework for uptake of sustainable aviation fuels at ICAO level. The report shall include detailed information on the enforcement of this Regulation. The report shall also inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to sustainable aviation fuels, including with regards to the reduction of non-CO<sub>2</sub> emissions or direct air capture (DAC) technologies.– The report shall, where appropriate, be accompanied by legislative proposals to amend this Regulation–may consider if this Regulation should be amended and, options for amendments, where appropriate, in line with a potential policy framework on sustainable aviation fuels uptake at ICAO level. The report shall also specifically evaluate the impact of this Regulation on the air-connectivity of less connected remote regions and islands, including its effects on the</b></p>	<p>The report may consider if this Regulation should be amended and, options for amendments, where appropriate, in line with a potential policy framework on sustainable aviation fuels SAF uptake at ICAO level.</p>	<p>framework for uptake of SAF at ICAO level. The report shall <b>include detailed information on the enforcement of this Regulation. The report shall</b> also inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to SAF, including with regards to the reduction of non-CO<sub>2</sub> emissions. The report may consider if this Regulation should be amended and, options for amendments, where appropriate, in line with a potential policy framework on SAF uptake at ICAO level.</p> <p><b>The Commission shall publish by 31 December [20XX] a report that evaluates the effectiveness of the existing market flexibility measure and considers whether improvements or additional measures are needed to facilitate the supply and uptake of SAF. The report shall identify and assess the practices to purchase SAF without being geographically connected to a supply site and their compatibility with other relevant</b></p>



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
		<p>availability and affordability of air transport to and from these territories. The Commission shall regularly monitor, evaluate and analyse cases of fuel tankering. Every year, the Commission shall submit a report containing its findings to the European Parliament and the Council. At the latest by three years after the date of entry into force of this Regulation, the Commission shall, on the basis of these findings, evaluate the provisions concerning fuel tankering and, where appropriate, submit a legislative proposal to amend those.</p>		<p>Union legislations. The report may consider if this Regulation should be amended and, options for amendments, where appropriate.</p> <p>Proposal</p> <p>B</p>

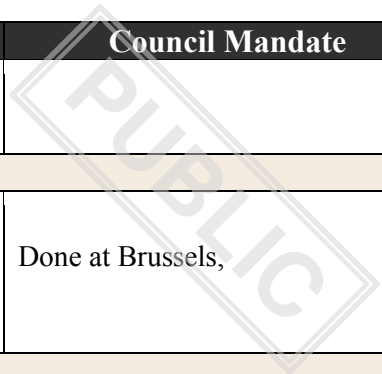
Article 14, first paragraph a

120a			<p>Among those options, the Commission services shall consider the inclusion of mechanisms to support the production and use of SAF, including the collection and use of funds, and other mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels. Such mechanisms should aim to limit</p>	<p>Among those options, the Commission services shall consider the inclusion of mechanisms to support the production and use of SAF, including the collection and use of funds, and other mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels. Such mechanisms should aim to limit the</p>
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	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<p>the adverse impacts of this Regulation on air connectivity, to avoid a shift in traffic towards airport hubs in thirds countries and to mitigate carbon leakages.</p>	<p>adverse impacts of this Regulation on air connectivity, to avoid a shift in traffic towards airport hubs in thirds countries and to mitigate carbon leakages.</p> <p>Propose CGA</p> <p>B</p>
Article 14, first paragraph b				
120b			<p>In particular, in the absence of a mandatory scheme at international level on the use of SAF for international flights with a similar level of ambition in comparison with the requirements laid down in this Regulation or of mechanisms developed at international level allowing to prevent the risk of carbon leakage and the distortion of competition for international aviation by 31 December 2026, the Commission shall consider targeted mechanisms aiming at preventing those effects, including, if appropriate, the extension to international aviation of Regulation (EU) ... <sup>1</sup>, as well as other types of</p>	<p>In particular, in the absence of a mandatory scheme at international level on the use of SAF for international flights with a similar level of ambition in comparison with the requirements laid down in this Regulation or of mechanisms developed at international level allowing to prevent the risk of carbon leakage and the distortion of competition for international aviation by 31 December 2026, the Commission shall consider targeted mechanisms aiming at preventing those effects, including, if appropriate, the extension to international aviation of Regulation (EU) ... <sup>1</sup>, as well as other types of measures taking into account the final destination outside the territory of the Union.</p>

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
			<b>measures taking into account the final destination outside the territory of the Union.</b>  <b>1. REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL [...] establishing a carbon border adjustment mechanism</b>	1. REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL [...] establishing a carbon border adjustment mechanism  <b>Propose CGA</b>  <b>B</b>
Article 14, first paragraph c				
120c			<b>The Commission shall consult the Committee referred to in Article 13a(1) when drawing up that report, at least 6 months before its adoption.</b>	The Commission shall consult the Committee referred to in Article 13a(1) when drawing up that report, at least 6 months before its adoption.  <b>Propose CGA</b>  <b>B</b>
Article 15				
121	Article 15 Entry into force	Article 15 Entry into force	Article 15 Entry into force	Article 15 Entry into force  <b>A</b>
Article 15, first paragraph				
122	This Regulation shall enter into	This Regulation shall enter into	This Regulation shall enter into	This Regulation shall enter into

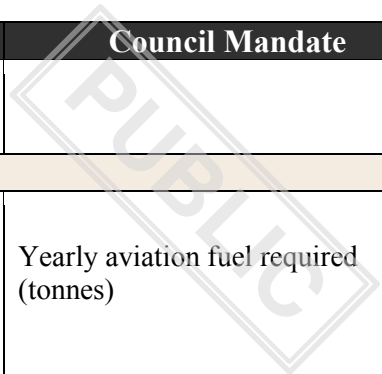
	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>COREPER Meeting - 12 Oct</b>
	force on the day twentieth following that of its publication in the Official Journal of the European Union.	force on the day twentieth following that of its publication in the <i>Official Journal of the European Union</i> Official Journal of the European Union.	force on the day twentieth following that of its publication in the <i>Official Journal of the European Union</i> Official Journal of the European Union.	force on the day twentieth following that of its publication in the <i>Official Journal of the European Union</i> Official Journal of the European Union. <b>A</b>
Article 15, second paragraph				
123	It shall apply from 1 <sup>st</sup> January 2023.	It shall apply from 1 <sup>st</sup> January 2023.	It shall apply from 1 <sup>st</sup> January 2023.	It shall apply from 1 <sup>st</sup> January 2023. <b>A</b>
Article 15, third paragraph				
124	However, Article 4 and 5 shall apply from 1 January 2025 and Articles 7 and Article 9 shall apply from 1 <sup>st</sup> April 2024 for the reporting period of the year 2023.	However, Article 4 and 5 shall apply from 1 January 2025 and Articles 7 and Article 9 shall apply from 1 <sup>st</sup> April 2024 for the reporting period of the year 2023.	However, Article 4 and 5 shall apply from 1 January 2025 and Articles 7 and Article 9 shall apply from 1 <sup>st</sup> April 2024 for the reporting period of the year 2023.	However, Article 4 and 5 shall apply from 1 January 2025 and Articles 7 and Article 9 shall apply from 1 <sup>st</sup> April 2024 for the reporting period of the year 2023. <b>A</b>
Article 15, fourth paragraph				
125	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				A
Formula				
126	Done at Brussels,	Done at Brussels,	Done at Brussels,	A
Formula				
127	For the European Parliament	For the European Parliament	For the European Parliament	A
Formula				
128	The President	The President	The President	A
Formula				
129	For the Council	For the Council	For the Council	A
Formula				
130	The President	The President	The President	

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				A
Annex I volume shares, point (a)				
R	131	(a) From 1 January 2025, a minimum share of 2% of SAF; <b>of which a minimum share of 0,04 % of synthetic fuels;</b>	(a) From 1 January 2025, a minimum share of 2% of SAF;	C
Annex I volume shares, point (b)				
R	132	(b) From 1 January 2030, a minimum share of 5% of SAF, of which a minimum share of 0.7% of synthetic aviation fuels;	(b) From 1 January 2030, a minimum share of <del>5%</del> <b>6%</b> of SAF, of which a minimum share of <del>0.7%</del> <b>2%</b> of synthetic aviation fuels;	C
Annex I volume shares, point (c)				
G	133	(c) From 1 January 2035, a minimum share of 20% of SAF, of which a minimum share of 5% of synthetic aviation fuels;	(c) From 1 January 2035, a minimum share of 20% of SAF, of which a minimum share of 5% of synthetic aviation fuels;	(c) From 1 January 2035, a minimum share of 20% of SAF, of which a minimum share of 5% of synthetic aviation fuels;  A
Annex I volume shares, point (d)				
R	134	(d) From 1 January 2040, a minimum share of 32% of SAF, of	(d) From 1 January 2040, a minimum share of <del>32%</del> <b>37%</b> of	(d) From 1 January 2040, a minimum share of 32% of SAF, of  C

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
	which a minimum share of 8% of synthetic aviation fuels;	SAF, of which a minimum share of <del>8%</del> <b>13%</b> of synthetic aviation fuels;	which a minimum share of 8% of synthetic aviation fuels;	
Annex I volume shares, point (e)				
R	135	(e) From 1 January 2045, a minimum volume share of 38% of SAF, of which a minimum share of 11% of synthetic aviation fuels.	(e) From 1 January 2045, a minimum volume share of <del>38%</del> <b>54%</b> SAF, of which a minimum share of <del>11%</del> <b>27%</b> of synthetic aviation fuels.	(e) From 1 January 2045, a minimum volume share of 38% of SAF, of which a minimum share of 11% of synthetic aviation fuels-;
Annex I volume shares, point (f)				
R	136	(f) From 1 January 2050, a minimum volume share of 63% of SAF, of which a minimum share of 28% of synthetic aviation fuels	(f) From 1 January 2050, a minimum volume share of <del>63%</del> <b>85%</b> of SAF, of which a minimum share of <del>28%</del> <b>50%</b> of synthetic aviation fuels.	(f) From 1 January 2050, a minimum volume share of 63% of SAF, of which a minimum share of 28% of synthetic aviation fuels.
Annex II – Template for aircraft operator reporting, Table 1, Column 1, Row 1				
G	137	Union airport	Union airport	Union airport
Annex II – Template for aircraft operator reporting, Table 1, Column 2, Row 1				
G	138	ICAO code of Union airport	ICAO code of Union airport	ICAO code of Union airport



	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				A
Annex II – Template for aircraft operator reporting, Table 1, Column 3, Row 1				
Y	139 Yearly aviation fuel required (tonnes)	Yearly aviation fuel required (tonnes <b>of kerosene equivalent</b> )	Yearly aviation fuel required (tonnes)	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b. A
Annex II – Template for aircraft operator reporting, Table 1, Column 4, Row 1				
Y	140 Actual aviation fuel uplifted (tonnes)	Actual aviation fuel uplifted (tonnes <b>of kerosene equivalent</b> )	Actual aviation fuel uplifted (tonnes)	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b. A
Annex II – Template for aircraft operator reporting, Table 1, Column 5, Row 1				
Y	141 Yearly non-tanked quantity (tonnes)	Yearly non-tanked quantity (tonnes <b>of kerosene equivalent</b> )	Yearly non-tanked quantity (tonnes)	"Tonnes of kerosene equivalent" is directly linked to line 58a and 58b. A
Annex II – Template for aircraft operator reporting, Table 1, Column 6, Row 1				
Y	142 Total yearly non-tanked quantity (tonnes)	Total yearly non-tanked quantity (tonnes <b>of kerosene equivalent</b> )	Total yearly non-tanked quantity (tonnes)	"Tonnes of kerosene equivalent" is

	Commission Proposal	EP Mandate	Council Mandate	COREPER Meeting - 12 Oct
				directly linked to line 58a and 58b. A
Annex II – Template 2				
142a		<a href="#"><u>Template 2</u></a>	Template for aircraft operator reporting on purchases of SAF	A EP tentatively agrees
142b		<a href="#"><u>Fuel supplier</u></a>	Fuel supplier	
142c		<a href="#"><u>Amount purchased (tonnes of kerosene equivalent)</u></a>	Amount purchased (tonnes)	A "Tonnes of kerosene equivalent" is directly linked to line 58a and 58b.
142d		<a href="#"><u>Conversion technology</u></a>	Conversion technology	Proposal Conversion process EP tentatively agrees
142e		<a href="#"><u>Characteristics</u></a>	Characteristics	
142f		<a href="#"><u>Origin of feedstock</u></a>	Origin of feedstock	
142g		<a href="#"><u>Lifecycle emissions</u></a>	Lifecycle emissions	