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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and appropriately implementing a global market-based measure - Preparation for the trilogue

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (15.11.2024)

I. INTRODUCTION

1. On 14 July 2021, the Commission submitted a proposal to amend the Emissions Trading System (ETS) Directive with regard to aviation (ETS aviation) to the European Parliament and to the Council, as part of the 'Fit for 55 package'.
2. The objectives of the ETS aviation are to contribute to the European Green Deal objective of reducing transport emissions by 90% by 2050, compared to 1990 levels, to implement appropriately the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)¹ developed by the International Civil Aviation Organization

¹ The First Edition of Annex 16, Volume IV became applicable on 1 January 2019.

(ICAO) pursuant to Article 2.2 of the Kyoto Protocol², and to ensure that airlines operating flights on the same routes are treated equally.

3. The European Economic and Social Committee delivered its opinion on 8 December 2021. The Committee of the Regions delivered its opinion at its session from 27 to 29 April 2022.
4. In the European Parliament, on behalf of the Committee on the Environment, Public Health and Food Safety (ENVI), Ms Sunčana Glavak (EPP, HR) was appointed rapporteur. The European Parliament adopted its negotiation mandate on 8 June 2022.
5. Within the Council, all proposals related to the revision of ETS³ were dealt with together. The Council reached general approaches on 29 June 2022⁴. Going forward, it has been agreed that the ETS aviation proposal will be dealt with separately.
6. The Working Party on the Environment examined the EP amendments at its meeting on 5 July 2022.
7. On 6 September 2022, the first trilogue was held on the ETS aviation proposal. Following the first trilogue, two Technical Meetings have been held enabling limited progress in preparation of the second trilogue scheduled for 26 October 2022.

II. 41ST ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

8. CORSIA is a global scheme requiring from airlines to offset CO₂ emissions from international flights in excess of a baseline⁵ by purchasing eligible credits generated in

² “The Parties included in Annex I [developed countries] shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the International Civil Aviation Organization and the International Maritime Organization, respectively.”

³ Proposal to amend the Directive on the EU Emissions Trading System, the Decision on the Market Stability Reserve (MSR) and the Regulation on monitoring, reporting and verification (MRV) in the maritime transport sector (general ETS), proposal to amend the Decision on the Market Stability Reserve (MSR Decision) and proposal to amend the Emissions Trading System Directive with regard to aviation.

⁴ For General approach for ETS Aviation, see document 10798/22.

⁵ In 2016, CORSIA baseline was defined as the average of 2019-2020 emissions. In order to address the sharp decrease of international aviation activity due to the COVID-19 pandemic (according to ICAO Committee on Aviation Environmental Protection, CO₂ emissions from the international aviation sector dropped by approximately 59% from 2019 to 2020) and

other sectors. To date, 118 States have announced their voluntary participation in CORSIA pilot phase.⁶

9. **DELETED**

10. **DELETED**

11. **DELETED**

avoid an inappropriate economic burden on aviation, the ICAO Council decided in June 2020 to amend the CORSIA baseline to a 2019 level until 2023.

⁶ In 2018, in accordance with Council Decision (EU) 2018/2027, Member States notified ICAO that certain differences exist between Directive 2003/87/EC and CORSIA. In 2020, in accordance with Council Decision (EU) 2020/954, Member States notified ICAO of their voluntary participation in CORSIA from the pilot phase in 2021, without prejudice to differences, under Article 38 of the Chicago Convention, with the provisions of Annex 16, Volume IV to the Chicago Convention.

12. **DELETED**

III. PRESIDENCY SUGGESTIONS IN VIEW OF THE TRILOGUE

13. The second trilogue will focus on main political issues. Overall, the Presidency suggests a cautious but constructive approach. The Presidency will defend the general approach and in general be restrictive on the Parliament's numerous amendments. Where possible, the Presidency suggests that the Council show openness to move the negotiation process forward. The openness will be on the understanding that the Council's flexibility needs to be reciprocated by the Parliament and situated in the overall context of reaching a balanced compromise.

A. Scope (lines 61a, 73, 75, 103, 105)

14. The Council's general approach maintains the so-called "clean-cut" approach defined in the Commission proposal: ETS aviation would apply to all intra-EEA flights¹¹ and, from 2027, flights departing from/arriving to countries not implementing CORSIA; CORSIA apply to routes between the EEA and countries participating in CORSIA as

¹¹ as well as flights departing to Switzerland and the United-Kingdom.

well as flights operated by EU operators between two countries participating in CORSIA, and operators are exempted from ETS surrendering obligations on those routes. Compared to the Commission proposal,¹² the Council limits the exemption from ETS surrendering obligations to flights from/to LDCs and SIDs whose GDP per capita is less than the Union average.

15. The European Parliament extends the scope of ETS aviation to all flights departing from EEA from the entry into force of the ETS aviation and, potentially to flights arriving to the EEA after 2027. In parallel, the European Parliament includes a mechanism for airlines to deduct the cost born under CORSIA from their surrendering requirements. The European Parliament deletes the exemption of flights from/to LDCs and SIDs from ETS surrendering obligations.
16. The Presidency suggests maintaining the General Approach on this point.

B. CORSIA implementation (lines 66, 78, 81b, 83, 90c, 102, 102a, 104, 107, 109, 111c, 111d)

17. The Commission proposal refers to CORSIA baseline defined as the average of 2019-2020 emissions. In the technical exchanges, the European Parliament raised the issue whether the basic act should refer to CORSIA baseline and, in affirmative, whether the Commission proposal should be adapted to reflect ICAO Assembly's decision in this respect. The baseline being an essential tenet of CORSIA, the Presidency considers that the use of a different baseline would seriously undermine the integrity of the global scheme and it is sufficient to reflect the baseline decided by ICAO Assembly in the act implementing CORSIA methodology. That said, some openness could be shown provided that the baseline from 2024 onwards referred to in the basic act is the baseline decided by 41st ICAO Assembly, that is 85% of 2019 emissions.
18. The European Parliament includes a few amendments aiming at increasing Operators' data transparency. The Presidency considers that some openness could be shown towards increasing transparency. However, Council's position should be reserved until a thorough assessment of the amendments is made to prevent disclosure of commercially sensitive information.

¹² Least Developed Countries and Small Island Developing States (LDCs and SIDSs) are exempted from CORSIA offsetting obligations.

19. The Council changes the Commission proposal with respect to the implementation of CORSIA methodology for calculating offsetting obligations. This is a horizontal issue, see paragraph 32. Other changes are related to the CORSIA notification decision and should be parked pending developments on that file (lines 108a, 111b).
20. Other than those, Council's and European Parliament's changes to the Commission's proposal are limited to technical changes to complement or improve clarity and could be agreed upon quite rapidly.

C. Phasing-out of free allowances (lines 49a, 50-54)

21. The Council follows the Commission's proposal with respect to the gradual phasing-out of free allowances. In the Commission's proposal and the Council's General Approach the share of allowances that would otherwise, under the current rules, be allocated for free that will instead be auctioned would increase from 25% in 2025 to 100% in 2027.¹³ The European Parliament, on the other hand, wishes to accelerate the phasing-out and proposes to increase that share from 50% in 2024 to 100% in 2025. It is important to note that the European parliament links this issue to the Sustainable Aviation Fuel (SAF) allowance, their point being that free allowances subsidises the use of fossil fuel in aviation.
22. The Presidency suggests maintaining the General Approach on this point.

D. Use of revenues (lines 60, 63a)

23. The Council maintains the discretionary power of Member States in determining the use of their auctioning revenues. The European parliament, on the other hand, determines the use of revenues in the directive: 75% to the Innovation fund, 15% to the UNFCCC funds, subject of extended scope of the EU ETS to departing flights from EEA and the remaining to Member States. Moreover, the Parliament proposes to earmark the revenues in respect of aviation activities for aviation projects according to certain priorities.

¹³ Free allowances represent the following percentages of the cap: 63,75% in 2024, 42,5% in 2025, 21,25% in 2026 and 0% in 2027.

24. The European Parliament justifies the 15% share of revenues allocated to UNFCCC climate funds as a compensation for deleting the exemption of flights from/to LDCs and SIDs from ETS surrendering obligations.
25. The Presidency suggests maintaining the General Approach on these points.

E. SAF allowance (lines 45a-g)

26. Both the Council and the European Parliament introduced a dedicated 20 million share of free allowances to incentivise the uptake of Sustainable Aviation Fuels (SAFs) to cover the price differential between fossil fuel and SAF. That said, the modalities for the granting of the free allowances differ quite significantly.
27. On the Council side, allowances are foreseen until 2030 and the differential is paid up to 70% and to 100% for uplifts in certain airports¹⁴. Allowances are distributed based on uplift of eligible fuels under RefuelEU reported under the Monitoring Reporting Verification (MRV) regulation.
28. On the European Parliament side, allowances are foreseen until 2029 and the differential is paid up to 100% for operators increasing their use of SAF based on the blending mandates defined under RefuelEU, as reported under RefuelEU. 70% of allowances are reserved for increasing the use of synthetic aviation fuels, with priority given to renewable fuels of non-biological origin, and allowances are distributed according to the greenhouse gas savings defined in accordance with RED II directive. Additional 20 million of free SAF allowances are foreseen in relation to the coverage of flights departing from the EEA.
29. On this point, the Presidency proposes to show openness to prioritise the most advanced types of SAF in the distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential for the most advanced fuels.

F. Non-CO2 (lines 41a, 90a, 90b, 92a)

30. The European Parliament introduces an obligation for the Commission to adopt, through delegated act, the MRV of non-CO2 emissions within 6 months of the entry into force

¹⁴ Airports on small islands, airports too small to be considered as Union airports or airports in outermost regions.

of the ETS aviation. The Commission is to submit by 2026 a proposal to expand the scope of ETS to non-CO2 emissions. If non-CO2 effects are not covered by ETS by December 2027, a multiplier (of 1.8 to 2) is to apply to CO2 emissions from aviation.

31. On this point, the Presidency suggests rejecting any automatic multiplier. The coverage of non-CO2 emissions by ETS should not be prejudged either, considering the range of policy options presented in the EASA study. Certain openness could be shown on the implementation, through implementing act, of a MRV for non-CO2 in a more realistic timeframe and based on an impact assessment.

G. Horizontal – implementing *versus* delegated acts (lines 81, 81a, 91, 91a, 91b, 97, 98, 100, 106, 106a)

32. On this point, it is suggested to maintain the Council General Approach and not agree to any change from Implementing act to Delegated act.

IV. CONCLUSION

33. The abovementioned proposed flexibilities are subject to examination of, and agreement on concrete text proposals. To this end, the Presidency will revert to delegations in due time.
34. The proposed mandate for the second trilogue is set out in detail in the **fourth column** of the table contained in Annex to this note.
35. The Presidency, as part of general discussion on the next steps, would specifically ask the Member States to share their views or signal possible flexibility with respect of:
- possible extension of geographical scope of EU ETS with regards of inclusion of departing flights from EEA,
 - possible transfer of share of revenues from auctioning of allowances to the Innovation Fund,
 - length of the phase out period for free allowances,
 - modalities of SAFs incentive mechanism,
- and

- establishing a MRV system for non-CO2 emissions.

36. The Permanent Representatives Committee is invited to agree to the Presidency's suggestions as set out in this note and annex (the four-column table) in view of the upcoming trilogue.

PUBLIC

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and appropriately implementing a global market-based measure

2021/0207(COD)

Non-versioned [LATEST TEXT]

17-10-2022 at 09h25

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1				
40	Article 1		Article 1	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, introductory part				
41	Directive 2003/87/EC is amended as follows:		Directive 2003/87/EC is amended as follows:	
Article 1, first paragraph, point (-1) (Directive 2003/87/EC, Article 3, point u a (new))				
41a		<p><u>(-1) In Article 3, the following point is added:</u></p> <p><u>"(ua) 'non-CO2 aviation emissions'</u></p> <p><u>means the release of oxides of</u></p>		Certain openness could be shown on the implementation, through implementing act, of a MRV for non-CO2 in a more realistic timeframe and based on an impact assessment.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>nitrogen</u> <u>(NOx), soot particles, oxidised sulphur</u> <u>species, and water vapour from an</u> <u>aircraft performing an aviation activity</u> <u>listed in Annex I."</u>		
Article 1, first paragraph, point (1), introductory part (Directive 2003/87/EC, Article 3c)				
42	(1) Article 3c is amended as follows:		(1) Article 3c is amended as follows:	


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (1), introductory part (Directive 2003/87/EC, Article 3c), point (a)				
43	(a) paragraph 2 is deleted,		(a) paragraph 2 is deleted,	
Article 1, first paragraph, point (1), introductory part (Directive 2003/87/EC, Article 3c), point (b), introductory part				
44	(b) the following paragraphs 5, 6 and 7 are added:	(b) the following paragraphs 5,5a,5b,6 and 7 are added:	(b) the following paragraphs 5, 5a , 5b , 6 and 7 are added:	
Article 1, first paragraph, point (1)(b) (Directive 2003/87/EC, Article 3c, paragraph 5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
45	<p>5. The Commission shall determine the total quantity of allowances to be allocated in respect of aircraft operators for the year 2024 on the basis of the total allocation of allowances in respect of aircraft operators that were performing aviation activities falling within Annex I in the year 2023, reduced by the linear reduction factor specified in Article 9, and shall publish that quantity, as well as the quantity of free allocation which would have taken place in 2024 if the rules for free allocation were not updated.</p>		<p>5. The Commission shall determine the total quantity of allowances to be allocated in respect of aircraft operators for the year 2024 on the basis of the total allocation of allowances in respect of aircraft operators that were performing aviation activities falling within Annex I in the year 2023, reduced by the linear reduction factor specified in Article 9, and shall publish that quantity, as well as the quantity of free allocation which would have taken place in 2024 ifunder the rules for free allocation were not updatedin force prior to the amendments introduced by [this amending Directive].</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (1)(b) (Directive 2003/87/EC, Article 3c, paragraph 5a)				
45a		<p>‘</p> <p><u>5a. 20 million of the total quantity of allowances referred to in 'paragraph 5 of this article for the period from 1 January 2024 until 31 December 2029, shall be reserved for allocation in the same</u></p>		<p>Show openness to prioritise the most advanced types of SAF in the distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential for the most advanced fuels.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>manner as a contract for difference,</u></p> <p><u>covering the remaining price differential</u></p> <p><u>between fossil kerosene and sustainable</u></p> <p><u>aviation fuels in respect of aircraft</u></p> <p><u>operators that increase their use of</u></p> <p><u>sustainable aviation fuels, with priority to</u></p> <p><u>be given to renewable fuels of non-</u></p> <p><u>biological origin, foreseen based on the</u></p> <p><u>blending mandates referred to in</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Annex I</u></p> <p><u>to Regulation ... [ReFuelEU</u></p> <p><u>Regulation] or beyond and the</u></p> <p><u>price</u></p> <p><u>evolution of those fuels. 70% of</u></p> <p><u>those</u></p> <p><u>allowances shall be allocated</u></p> <p><u>specifically</u></p> <p><u>for increasing the use of synthetic</u></p> <p><u>aviation fuels, with priority to be</u></p> <p><u>given to</u></p> <p><u>renewable fuels of non-biological</u></p> <p><u>origin</u></p> <p><u>(RFNBO's). In addition, 20</u></p> <p><u>million</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>allowances from the extra quantity of</u></p> <p><u>allowances that are issued because of the</u></p> <p><u>coverage of emissions on flights departing</u></p> <p><u>from an aerodrome located in the EEA to third countries as referred to in Article</u></p> <p><u>3ea shall be reserved for allocation in the</u></p> <p><u>same manner as a contract for difference</u></p> <p><u>for the period until 31 December 2029.</u></p> <p>_____</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		1. [add ref to the Fuel EU Maritime Regulation].		
Article 1, first paragraph, point (1), introductory part (Directive 2003/87/EC, Article 3c), point (b), amending provision, numbered paragraph (5a)				
45b			5a. A maximum of 20 million of the total quantity of allowances referred to in paragraph 5 for the period from 1 January 2024 until 31 December 2030, shall be reserved in respect of aircraft operators, on a non-discriminatory basis for the uplifting of fuels identified in article 4(1) of the [RefuelEU Aviation Regulation] for flights	Show openness to prioritise the most advanced types of SAF in the distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential for the most advanced fuels.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>subject to allowances surrendering requirements according to article 12(3). Those allowances shall be allocated in the same manner as a contract for difference to cover part of the price differential between fossil kerosene taking into account the price of carbon and the price of the relevant fuels. They shall cover 70% of the remaining price differential between fossil kerosene and the relevant fuels and 100% of the remaining price difference for the uptake of such fuels at airports situated on islands smaller than 10.000 km², airports which are insufficiently large to be defined as Union airports according to Article 3 of Refuel aviation or airports</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			located in an outermost region. If for a given year the demand of allowances for the uplifting of such fuels is higher than the availability of allowances, they shall be reduced in an equal manner for all aircraft operators concerned.	
Article 1, first paragraph, point (1)(b) (Directive 2003/87/EC, Article 3c, paragraph 5b)				
45c		<u>5b. The total quantity of allowances referred to in paragraph 5a shall be allocated in the same manner as a contract for difference, covering the remaining price differential between fossil</u>		Show openness to prioritise the most advanced types of SAF in the distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>kerosene and sustainable aviation fuels for the increase of the use of sustainable aviation fuels, with priority to be given to renewable fuels of non-biological origin, on a non-discriminatory basis, as reported to the European Aviation Safety Agency under Articles 7, 8 and 9 of Regulation ... [ReFuelEU Regulation]¹.</u></p> <p><u>Each aircraft operator may apply for an allocation of the allowances for flights covered by the EU ETS from 1 January 2024 until 31 December 2029 based on the increase of its use of the fuels referred to in paragraph 5a.</u></p>		for the most advanced fuels.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>The quantity of allowances shall be proportionate to the total greenhouse gas emissions saved according to the treatment of those fuels under Directive (EU) 2018/2001 and the delegated acts referred to in Article 14(1) of this Directive.</i></u></p> <p><u><i>The Commission shall ensure that emissions from renewable fuels of non-biological origin using hydrogen from renewable sources shall be rated with zero emissions for the aircraft operators using them until the delegated act referred to in Article 14 (1) is adopted.</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>The Commission shall publish details of the cost difference between kerosene and sustainable aviation fuels on a yearly basis.</i></u></p> <p><u><i>The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the allocation of aviation allowances for increasing the use of sustainable aviation fuels by covering the price differential per tone of CO2 saved from using those fuels instead of kerosene.</i></u></p> <p><u><i>From 31 December 2028, the Commission shall carry out a yearly evaluation regarding the</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>application of this paragraph and submit its results to the European Parliament and the Council in a timely manner. On the basis of that evaluation and following an impact assessment, the Commission may present, where appropriate, a legislative proposal to allocate a capped and time-limited amount of allowances until 31 December 2034 in respect of aircraft operators that increase their use of sustainable aviation fuels referred to in Article 3c(5a).</u></p> <p>_____</p> <p><u>1. [add ref to the FuelEU Maritime Regulation].</u></p>		
Article 1, first paragraph, point (1)(b), amending provision, numbered paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
(5b), first paragraph				
45d			5b. Each aircraft operator may apply on a yearly basis for an allocation of the allowances for flights, from 1 January 2024 until 31 December 2030, for which allowances has to be surrendered based on the reported uplifting of the fuels for these flights in accordance with the use of fuels as reported under Commission Implementing Regulation (EU) 2018/2066. Member States shall allocate allowances to aircraft operators subject to availability of allowances and in accordance with the implementing act referred to in the third	Show openness to prioritise the most advanced types of SAF in the distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential for the most advanced fuels.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			subparagraph.	
Article 1, first paragraph, point (1)(b), amending provision, numbered paragraph (5b), second paragraph				
45e			The Commission shall publish in the Official Journal details of the cost difference between fossil kerosene and the relevant fuels on a yearly basis.	Show openness to prioritise the most advanced types of SAF in the distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential for the most advanced fuels.
Article 1, first paragraph, point (1)(b), amending provision, numbered paragraph (5b), third paragraph				
45f			The Commission shall by means	Show openness to prioritise the most advanced types of SAF in the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>of delegated acts establish the detailed arrangements for the yearly calculation of the cost difference and for the allocation of allowances for uplifting of the fuels identified in Article 4(1) of the [ReFuelEU Aviation Regulation] and establish the detailed arrangements for the calculation of the greenhouse gas emissions saved in accordance with the use of fuels as reported under Commission Implementing Regulation (EU) 2018/2066 and the arrangements for taking into account the price of carbon in the allocation.</p>	<p>distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential for the most advanced fuels.</p>
Article 1, first paragraph, point (1)(b), amending provision, numbered paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
(5b), fourth paragraph				
45g			<p>By 1 January 2028, the Commission shall carry out an evaluation regarding the application of this paragraph and submit its results in a report to the European Parliament and the Council in a timely manner. The report may, if appropriate, be accompanied by a legislative proposal to incentivise the uplifting of the fuels identified in Article 4(1) of the [ReFuelEU Aviation Regulation] through other instruments than allocation of free allowances, in articulation with the review to be undertaken under article 14 of [ReFuelEU</p>	<p>Show openness to prioritise the most advanced types of SAF in the distribution of allowances, either through a distribution based on emission savings according to RED II directive or through a higher coverage of the price differential for the most advanced fuels.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Aviation Regulation].	
Article 1, first paragraph, point (1)(b) (Directive 2003/87/EC, Article 3c, paragraph 6)				
46	6. In respect of flights departing from an aerodrome located in the EEA which arrive at an aerodrome located in the EEA, in Switzerland or in the United Kingdom, which were not covered by the EU ETS in 2023, the total quantity of allowances to be allocated to aircraft operators shall be increased by the levels of allocations, including free allocation and auctioning, which would have been made if they were covered by the		6. In respect of flights departing from an aerodrome located in the EEA which arrive at an aerodrome located in the EEA, in Switzerland or in the United Kingdom, which were not covered by the EU ETS in 2023, the total quantity of allowances to be allocated to aircraft operators shall be increased by the levels of allocations, including free allocation and auctioning, which would have been made if they were covered by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	EU ETS in that year, reduced by the linear reduction factor specified in Article 9.		EU ETS in that year, reduced by the linear reduction factor specified in Article 9.	
Article 1, first paragraph, point (1)(b) (Directive 2003/87/EC, Article 3c, paragraph 7)				
47	7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in	7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in	7. By way of derogation from Articles 12(2a) 12(3) , 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the same Member State outside that outermost region.;	<u>another region of the EEA and flights performed between two aerodromes located within the same</u> the same Member State outside that outermost region.;	the same Member State outside that including another aerodrome in an outermost region- of the same Member State ;	
Article 1, first paragraph, point (2), introductory part (Directive 2003/87/EC, Article 3d)				
48	(2) Article 3d is amended as follows:		(2) Article 3d is amended as follows:	
Article 1, first paragraph, point (2)(a), introductory part (Directive 2003/87/EC, Article 3d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
49	(a) paragraph 1 is replaced by the following:		(a) paragraph 1 is replaced by the following:	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (1), first paragraph				
49a			<p>1. In the years 2024 to 2026, 15% of the allowances referred to in Article 3c(5) and (6) as well as a share of the remaining 85% of allowances, in respect of which free allocation would have taken place, shall be auctioned. The remainder of allowances those</p>	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>years shall be allocated for free.</p> <p>The share of allowances in respect of which free allocation would have taken place to be auctioned shall for the respective years increase as set out below.</p>	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (1), second paragraph				
50	<p>‘</p> <p>1. In 2024, 25% of the quantity of allowances in respect of which free allocation would have taken place as published in accordance with Article 3c shall be auctioned.’,</p>	<p>‘</p> <p>1. In 2024, 25%50% of the quantity of allowances in respect of which free allocation would have taken place as published in accordance with Article 3c shall be auctioned.’</p>	<p>1. In 2024, 25% of the quantity of allowances in respect of which free allocation would have taken place as published in accordance with Article 3c shall be auctioned.’,</p>	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (2)(b), introductory part (Directive 2003/87/EC, Article 3d)				
51	(b) the following paragraph 1a, 1b, 1c and 1d are added:		(b) the following paragraph 1a, 1b, 1c and 1d are added:	(b) the following paragraph 1a, 1b, 1c and 1d are added: <u>Council: point (b) was moved three rows down.</u>
Article 1, first paragraph, point (2)(b) (Directive 2003/87/EC, Article 3d, paragraph 1a)				
52			1a. In 2025, 50% of the quantity of	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.	1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned. Deleted	allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.	
Article 1, first paragraph, point (2)(b) (Directive 2003/87/EC, Article 3d, paragraph 1b)				
53	1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.	1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be	1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		auctioned. <u>Deleted</u>		
Article 1, first paragraph, point (2)(b) (Directive 2003/87/EC, Article 3d, paragraph 1c)				
54	1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,	1c. As from 1 January 2027 <u>2025</u> , all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned, <u>except for the quantity of allowances referred to in Article 3c(5a).</u> ’	1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned.’, except for the quantity of allowances referred to in Article 3c(5a).	Maintain GA.
Article 1, first paragraph, point (2)(b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
54a			<p>(b) the following paragraph 1a is added:</p> <p>Council: point (b) was moved.</p>	<p><u>Council: point (b) was moved.</u></p>
Article 1, first paragraph, point (2)(b), first paragraph				
55	<p>1.d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in 2023. This calculation shall also take into account verified emissions from</p>		<p>1.d1a. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in 2023. This calculation shall also take into account verified emissions from aviation activities</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	aviation activities reported in respect of flights that are only covered by the EU ETS from 1 January 2023.’,		reported in respect of flights that are only covered by the EU ETS from 1 January 20232024. By 30 June of the relevant year, the competent authorities shall issue the allowances which are allocated for free for that year.’,	
Article 1, first paragraph, point (2)(c) (Directive 2003/87/EC, Article 3d)				
56	(c) paragraph 2 is deleted,		(c) paragraph 2 is deleted,	
Article 1, first paragraph, point (2)(d), introductory part (Directive 2003/87/EC, Article 3d)				
57				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) the first sentence of paragraph 3 is replaced by the following:		(d) the first sentence of paragraph 3 in paragraph 3, the first sentence is replaced by the following:	
Article 1, first paragraph, point (2)(d) (Directive 2003/87/EC, Article 3d, paragraph 3)				
58	<p>‘</p> <p>The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with paragraphs 1, 1a, 1b, 1c and 1d of</p>	<p>‘</p> <p>3. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with</p>	<p>‘The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with paragraphs 1, 1a, 1b, 1c and 1d and 1a of this Article, including the modalities of the auctioning</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,	paragraphs 1, 1a, 1b, 1c and 1d of this Article, including the modalities for the transfer of a share of revenue from such auctioning, <u>in accordance with Decision (EU, Euratom) 2020/2053</u> , to the general budget of the Union.’	which are made necessary for the transfer of a share of revenue from such auctioning to the general budget of the Union as own resources in accordance with Article 311(3) TFEU.’, ÷,	
Article 1, first paragraph, point (2), introductory part (Directive 2003/87/EC, Article 3d), point (da)				
58a			(da) in paragraph 3, in the third sentence, the words " For the period referred to in Article 3c(1), the reference year shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2010, and for each subsequent period referred to in Article 3c" are replaced by "For each period referred to in Article 13.";	
Article 1, first paragraph, point (2)(e), introductory part (Directive 2003/87/EC, Article 3d)				
59	(e) paragraph 4 is replaced by the following:		(e) paragraph 4 is replaced by the following:	
Article 1, first paragraph, point (2)(e) (Directive 2003/87/EC, Article 3d, paragraph 4)				
60			4. Member States shall determine	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>4. Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3).;</p>	<p>4. Member States shall determine the use of <u>The</u> revenues generated from the auctioning of allowances <u>for aviation</u> covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall be used as follows:</p> <p><u>(a) 75 % shall use be used to support innovation and new technologies, including the deployment of decarbonisation solutions in the aviation sector through the Climate Investment</u></p>	<p>the use of revenues generated from the auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall use they should use those revenues generated from the auctioning of allowances in accordance with Article 10(3).’;</p>	<p>Maintain GA.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Fund in accordance with the Article 10a (8)</u></p> <p><u>(b) 15 % of</u> the revenues generated from <u>departing flights referred to in Article 3ea shall be used to contribute to UNFCCC Climate Funds, in particular the Green Climate Fund and the Adaptation Fund, to advance international action to mitigate the impact of climate change on the most vulnerable communities;</u></p> <p><u>(c) the remaining revenues shall be used as determined by Member States in line</u>the auctioning of allowances in accordance with Article 10(3), <u>including promoting</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>projects aimed at ensuring a just transition in the aviation sector, especially supporting social dialogue among relevant stakeholders in the aviation sector, as well as for training, re-skilling, and upskilling for workers.</u>		
Article 1, first paragraph, point (3)				
61	(3) Articles 3e and 3f are deleted;		(3) Articles 3e and 3f are deleted;	
Article 1, first paragraph, point (3a) (Directive 2003/87/EC, Article 3ea)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
61a		<p><u>(3a) the following article is inserted:</u></p> <p><u>"Article 3ea</u></p> <p><u>Aviation activities involving third countries</u></p> <p><u>1. From 30 April [year of entry into force of this Directive +1], aircraft operators shall surrender allowances for emissions on flights departing from an aerodrome located in the EEA.</u></p>		Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>2. From [year of entry into force of this Directive], the total quantity of allowances to be allocated for aviation shall be increased by the levels of allocations for the additional departing flights referred to in paragraph 1, which would have been made if they were covered by the EU ETS in that year. The linear reduction factor as laid down in Article 9 shall apply.'</u></p> <p><u>3. To take due account of CORSIA offsetting obligations above a baseline set at the 2019 level for the years 2021-2023, and at the average of the 2019-2020</u></p>		


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>level for 2024 onwards, aircraft operators shall be able to deduct the financial value of their expenditure on credits used for compliance with CORSIA for flights from the EEA to third countries that are listed in the implementing act adopted pursuant to Article 25a(3).</u></p> <p><u>Each year, aircraft operators shall publish information regarding the CORSIA offsets paid the previous year for each route and inform the Commission of such offsets should they intend to request a reduction in their surrender requirements. The Commission shall establish the financial value of the offsets</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>eligible for deduction from the EU ETS surrender requirement for each route. The Commission shall adopt delegated acts in accordance with Article 23 to supplement this Directive by determining the methodology and mechanism for that deduction. For that purpose, the Commission shall consider the price of EU ETS allowances to be the average price in the respective compliance year.</u></p> <p><u>Where a difference has been established by the Commission between verified emissions and allowances surrendered, in respect of a given year, the corresponding quantity of allowances shall be</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>cancelled.</u></p> <p><u>4. By 31 December 2027, in accordance with Article 28b of this Directive, the Commission shall present a report to the European Parliament and the Council on the implementation of ICAO Contracting States' participation in, and the overall ambition and environmental integrity of, CORSIA. Based on the findings of that report, the Commission shall present, where appropriate, a legislative proposal to end the temporary derogation for flights arriving at an aerodrome located in the EEA."</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (4), introductory part (Directive 2003/87/EC, Article 6(2))				
62	(4) In Article 6(2), point (e) is replaced by the following:		deleted	<u>Council: The same proposal is made also in the general amending Directive, Article 1(8), and justified in recital (25) to that proposal. As the two dossiers are moving in parallel, it is suggested to only make the change in the other proposal where it is justified in the recitals.</u>
Article 1, first paragraph, point (4), first paragraph (Directive 2003/87/EC, Article 6(2))				
63				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>‘</p> <p>(e) an obligation to surrender allowances equal to the total emissions of the installation in each calendar year, as verified in accordance with Article 15, within four months following the end of that year.;</p> <p>’</p>		<p><i>deleted</i></p>	
Article 1, first paragraph, point (4)(a) (Directive 2003/87, Article 10a, paragraph 8, subpara 3a)				
63a		<p>‘</p> <p><u>4a in Article 10a (8), the following subparagraph is</u></p>		Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>inserted after the second subparagraph:</u></p> <p><u>The revenues generated from the auctioning of allowances in respect of aviation activities, and from penalties referred to in Article 16(3), allocated to the Climate Investment Fund shall be made available for aviation projects to support new developments and innovations, deployment of decarbonisation solutions, the development of support mechanisms and to create necessary infrastructure, which reduce the total climate impacts including non-CO2 impacts, in particular through:</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(a) deployment of sustainable aviation fuels, with priority to be given to renewable fuels of non-biological origin (RFNBO) from renewable hydrogen and direct air capture (DAC), including through carbon contracts for difference aimed at bridging the price difference between zero-emissions fuels and conventional fuels, and reducing the cost of supplying SAF to Union airports;</u></p> <p><u>(b) fundamental improvement of operational aeronautics and airframe solutions to mitigate CO2 and non-CO2 emissions;</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(c) deployment of break-through engine innovation and deployment of new propulsion technologies contributing to reducing emissions in aviation, such as battery- and turbo-electric technologies, as well as hydrogen combustion in turbines and fuel cells that power electric motors, electric aircraft and related airport infrastructure;</u></p> <p><u>(d) deployment of monitoring and reporting technologies for CO2 and non-CO2 aviation emissions;</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(e) research leading to technological innovation on the non-CO2 impacts of aviation, including formation and prevention of contrails and cirrus clouds.</u></p> <p><u>A description of the projects supported by the Climate Investment Fund and information about the levels of expenditure disaggregated at project level shall be transparent and made publicly available in an accessible manner and regularly updated on the Commission's website. The Commission shall ensure there is inclusive involvement of stakeholders in the funding procedures related to the Climate</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Investment Fund.</u>		
Article 1, first paragraph, point (5), introductory part (Directive 2003/87/EC, Article 11a)				
64	(5) Article 11a is amended as follows:		(5) Article 11a is amended as follows:	
Article 1, first paragraph, point (5)(a), introductory part (Directive 2003/87/EC, Article 11a)				
65	(a) paragraphs 1 to 3 are replaced by the following:		(a) paragraphs 1 to 3 are replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph 1)				
66	<p>‘</p> <p>1. Subject to paragraphs 2 and 3 of this Article, aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State shall be able to use the following units to comply with their obligations as laid down in Article 12 in respect of emissions from flights to and from countries that are listed in the implementing</p>		<p>1. Subject to paragraphs 2 and 3 of this Article, aircraft operators that hold an air operator certificate issued by a Member State or isare registered in a Member State, including in the outermost regions, dependencies and territories of that Member State shall be able to use the following units to comply with their obligations as laid down in Article 12to cancel units in respect of emissions from flights to and from countries that are listed in the implementing act adopted pursuant</p>	Technical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	act adopted pursuant to Article 25a(3):		to Article 25a(3): the quantity notified as laid down in Article 12 (8).;	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph 1(a))				
67	(a) credits authorised by parties participating in the mechanism established under Article 6(4) of the Paris Agreement;		(a) credits authorised by parties participating in the mechanism established under Article 6(4) of the Paris Agreement;	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph 1(b))				
68				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) credits authorised by the parties participating in crediting programmes which have been considered eligible by the ICAO Council as identified in the implementing act adopted pursuant to paragraph 8;		(b) credits authorised by the parties participating in crediting programmes which have been considered eligible by the ICAO Council as identified in the implementing act adopted pursuant to paragraph 8;	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph 1(c))				
69	(c) credits authorised by parties agreements pursuant to paragraph 5;		(c) credits authorised by parties agreements pursuant to paragraph 5;	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a,				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
paragraph 1), point (d)				
70	(d) credits issued in respect of Union level projects pursuant to Article 24a.		(d) credits issued in respect of Union level projects pursuant to Article 24a.	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph (2), introductory part)				
71	2. Units referred to in paragraph 1, points (a) and (b), may be used if the following conditions have been met:		2. Units referred to in paragraph 1, points (a) and (b), may be used if the following conditions have been met:	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a,				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
paragraph (2)(a))				
72	(a) they originate from a country that is a party to the Paris Agreement at the time of use;		(a) they originate from a country that is a party to the Paris Agreement at the time of use;	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph (2), subparagraph (1), point (b))				
73	(b) they originate from a country that is listed in the implementing act adopted pursuant to Article 25a(3) as participating in Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). This condition shall not apply in respect of emissions	(b) they originate from a country that is listed in the implementing act adopted pursuant to Article 25a(3) as participating in Carbon Offsetting and Reduction Scheme for International Aviation	(b) they originate from a country that is listed in the implementing act adopted pursuant to Article 25a(3) as participating in Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). This condition shall not apply in respect of emissions	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	before 2027, nor shall it apply in respect of Least Developed Countries and Small Island Developing States, as defined by the United Nations, except for those countries whose GDP per capita equals or exceeds the Union average.	(CORSIA). This condition shall not apply in respect of emissions before 2027, nor shall it apply in respect of Least Developed Countries and Small Island Developing States, as defined by the United Nations, except for those countries whose GDP per capita equals or exceeds the Union average <u>1 January 2027</u> .	before 2027, nor shall it apply in respect of Least Developed Countries and Small Island Developing States, as defined by the United Nations, except for those countries whose GDP per capita equals or exceeds the Union average.	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph 3, introductory part)				
74	3. Units referred to in paragraph 1, points (a), (b) and (c), may be used if arrangements are in place for authorisation by the participating		3. Units referred to in paragraph 1, points (a), (b) and (c), may be used if arrangements are in place for authorisation by the participating	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	parties, timely adjustments are made to the reporting of anthropogenic emissions by sources and removals by sinks covered by the nationally determined contributions of the participating parties, and that double counting and a net increase in global emissions are avoided.		parties, timely adjustments are made to the reporting of anthropogenic emissions by sources and removals by sinks covered by the nationally determined contributions of the participating parties, and that double counting and a net increase in global emissions are avoided.	
Article 1, first paragraph, point (5)(a) (Directive 2003/87/EC, Article 11a, paragraph 3, subparagraph 2)				
75	The Commission shall adopt implementing acts laying down more detailed requirements for the arrangements referred to in the first subparagraph, which may include	The Commission shall adopt implementing acts laying down more detailed requirements for the arrangements referred to in the first subparagraph, which may include	The Commission shall adopt implementing acts laying down more detailed requirements for the arrangements referred to in the first subparagraph, which may include	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reporting and registry requirements, and for listing the states or programmes which apply these arrangements. Arrangements shall take account of flexibilities accorded to Least Developed Countries and Small Island Developing States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).’,	reporting and registry requirements, and for listing the states or programmes which apply these arrangements. Arrangements shall take account of flexibilities accorded to Least Developed Countries and Small Island Developing States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).’,	reporting and registry requirements, and for listing the states or programmes which apply these arrangements. Arrangements shall take account of flexibilities accorded to Least Developed Countries and Small Island Developing States in accordance with paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).’,	
Article 1, first paragraph, point (5)(b) (Directive 2003/87/EC, Article 11a)				
76	(b) paragraph (4) is deleted,		(b) paragraph (4) is deleted,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (5)(c), introductory part (Directive 2003/87/EC, Article 11a)				
77	(c) the following paragraph 8 is added:		(c) the following paragraph 8 is added:	
Article 1, first paragraph, point (5)(c) (Directive 2003/87/EC, Article 11a, paragraph 8)				
78	‘ 8. The Commission shall adopt an implementing act listing credits which, have been considered		8. The Commission shall adopt an implementing act acts listing credits units which, have been considered eligible by the ICAO Council, and that fulfil the	Technical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	eligible by the ICAO Council, and that fulfil the conditions laid down in paragraphs 2 and 3. The Commission shall amend that list as appropriate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;		conditions laid down in paragraphs 2 and 3. The Commission shall amend that list as appropriate. That Those implementing act acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).’;	
Article 1, first paragraph, point (6), introductory part (Directive 2003/87/EC, Article 12)				
79	(6) Article 12 is amended as follows:		(6) Article 12 is amended as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6)(a), introductory part (Directive 2003/87/EC, Article 12)				
80	(a) paragraph 6 is replaced by the following:		(a) paragraph 6 is replaced by the following:	
Article 1, first paragraph, point (6)(a), amending provision, numbered paragraph (6), first paragraph				
81	6. In accordance with the methodology laid down in the delegated act referred to in paragraph 7, Member States shall calculate the offsetting each year for the preceding calendar year		6. -In accordance with the methodology laid down in the delegated implementing act referred to in paragraph 7, Member States shall calculate the offsetting each year for the preceding calendar year within the meaning	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>within the meaning of ICAO's International Standards and Recommended Practices on Environmental Protection for Carbon Offsetting and Reduction Scheme for International Aviation, other than those which apply in respect of flights departing from an aerodrome located in the EEA which arrive at an aerodrome located in the EEA, in Switzerland or in the United Kingdom, and by 30 November each year inform the aircraft operators that fulfil all of the following conditions of the level of offsetting:</p>		<p>of ICAO's International Standards and Recommended Practices on Environmental Protection for Carbon Offsetting and Reduction Scheme for International Aviation, other than those which apply in respect in respect of flights to, from and between the countries that are listed in the implementing act adopted pursuant to Article 25a(3) and of flights departing from an aerodrome located in the EEA which arrive at an aerodrome located between Switzerland or the United Kingdom and countries that are listed in the EEA, in Switzerland or in the United Kingdom, implementing act adopted pursuant to Article 25a(3) and by 30 November each</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			year inform the aircraft operators that fulfil all of the following conditions of the level of offsetting:-.	
Article 1, first paragraph, point (6)(a), amending provision, numbered paragraph (6), second paragraph				
81a			<p>In accordance with the methodology laid down in the implementing act referred to in paragraph 7, Member States shall also calculate the total final offsetting requirements for a given CORSIA compliance period and inform the aircraft operators by 30 November of the year following the last year of the</p>	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			relevant CORSIA compliance period.	
Article 1, first paragraph, point (6)(a), amending provision, numbered paragraph (6), third paragraph				
81b			Member States shall inform aircraft operators that fulfil all of the following conditions of the level of offsetting:	Technical
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12, paragraph 6(a))				
82	(a) the aircraft operator holds an		(a) the aircraft operator holds an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State;		air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State;	
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12, paragraph 6(b))				
83	(b) they produce annual CO ₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same Member	‘ (b) they produce annual CO₂ <u>CO₂</u> emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by	(b) they produce annual CO ₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same Member	Technical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	State (including outermost regions of the same Member State), from 1 January 2019.	<p>Annex I <u>to this Directive and by Article 2 (3) and (4) of Commission Delegated Regulation (EU) 2019/1603^{1a}</u>, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019<u>2021</u>.</p> <p>_____</p> <p><u>Ia. Commission Delegated Regulation (EU) 2019/1603 of 18 July 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards measures adopted by the International Civil Aviation Organisation for the monitoring, reporting and verification of aviation emissions for the purpose of implementing a global market-based measure (OJ L 250, 30.9.2019, p. 10).</u></p>	State (including outermost regions of the same Member State), from 1 January 2019.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12)				
84	For the purposes of the first subparagraph, point (b), CO ₂ emissions from the following types of flights shall not be taken into account:		For the purposes of the first subparagraph, point (b), CO ₂ emissions from the following types of flights shall not be taken into account:	
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12)				
85	(i) state flights;		(i) state flights;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12)				
86	(ii) humanitarian flights;		(ii) humanitarian flights;	
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12)				
87	(iii) medical flights;		(iii) medical flights;	
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12)				
88	(iv) military flights;		(iv) military flights;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 12)				
89	(v) firefighting flights.’,		(v) firefighting flights.’,	
Article 1, first paragraph, point (6)(b), introductory part (Directive 2003/87/EC, Article 12)				
90	(b) the following paragraphs 7 and 8 are added:		(b) the following paragraphs 7 and 8 are added:	
Article 1, first paragraph, point (6)(b), amending provision, numbered paragraph 1, subparagraph 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
90a		<p>6a. <u>(6a) in Article 14(1), the first subparagraph is replaced by the following:</u></p> <p><u>"The Commission shall adopt implementing delegated acts concerning the detailed arrangements for the monitoring and reporting of emissions and, where relevant, activity data, from the activities listed in Annex I, for the monitoring and reporting of tonne-kilometre data for the purpose of an application under Article 3e or 3f, which shall be based on the principles for monitoring and reporting set out in Annex IV and the requirements set</u></p>		<p>Certain openness could be shown on the implementation, through implementing act, of a MRV for non-CO2 in a more realistic timeframe and based on an impact assessment.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>out in paragraph 2 of this Article. Those implementing<u>delegated</u> acts shall also specify the global warming potential of each greenhouse gas <u>and the effects of non-CO2 aviation emissions</u> in the requirements for monitoring, <u>reporting and verification of those gases and emissions</u> and reporting emissions for that gas."</p> <p>Amending present text/source act</p>		
Article 1, first paragraph, point (6)(b), amending provision, numbered paragraph 2, subparagraph 2a				
90b				Certain openness could be shown

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>6a. in Article 14(2), the following subparagraph is added:</u></p> <p><u>"By 16 months after the entry into force of this Directive], the Commission shall adopt delegated acts in accordance with Article 23 to supplement this Directive in order to establish a monitoring, reporting and verification scheme (MRV scheme) for non-CO2 emissions from aircraft operators covered by this Directive. The MRV scheme for non-CO2 emissions shall contain data on at least the following:</u></p> <p><u>a) fuel flow;</u></p>		<p>on the implementation, through implementing act, of a MRV for non-CO2 in a more realistic timeframe and based on an impact assessment.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>b) mass of the aircraft;</u></p> <p><u>c) ambient humidity;</u></p> <p><u>d) latitude, longitude and altitude of the aircraft;</u></p> <p><u>e) average humidity and temperature;</u></p> <p><u>f) emission indices for CO₂, H₂O, sulphur dioxide (SO₂) and NO_x;</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>g) CO2 equivalents per flights.</i></u></p> <p><u><i>By 31 December 2026, based on the results of the monitoring, reporting and verification of non-CO2 emissions, the Commission shall submit, after carrying out an impact assessment and where appropriate, a legislative proposal to mitigate such emissions by expanding the scope of the EU ETS to cover non-CO2 aviation emissions.</i></u></p> <p><u><i>Pending an extension of the scope of this Directive to cover non-CO2 emissions from aircraft</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>operators referred to in the second subparagraph, from 31 December 2027, the CO2 emission factor for emissions from aviation activities shall be multiplied by 1,8, from 31 December 2028 by 1,9 and from 31 December 2029 by 2,0, in order to account for non-CO2 aviation emissions.</u></p> <p><u>From... [30 months after the entry into force of this Directive], the Commission shall submit on an annual basis, as part of the report referred to in Article 10(5), a report to the European Parliament and the Council on the results of the MRV scheme referred to in the third subparagraph."</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6)(b), amending provision, numbered paragraph 3a				
90c		<p><u>6c. in Article 14, the following paragraph is added:</u></p> <p><u>"3a. All emissions data related to aircraft operators communicated to Member States and the Commission, including data communicated in accordance with Article 7 of Commission Delegated Regulation (EU) 2019/1603, shall be reported and published by the Commission, per aircraft operator and per airport</u></p>		<p>Some openness could be shown towards increasing transparency. However, Council's position should be reserved until a thorough assessment of the amendments is made to prevent disclosure of commercially sensitive information.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>pair in a user-friendly manner.</u></p> <p><u>The data for each year shall be published without delay. Those data shall include at least the following:</u></p> <p><u>(a) emissions data broken down by aircraft operator and by airport pair;</u></p> <p><u>(b) load factors, aircraft type, fuel type and fuel consumption per airport pair for each aircraft operator;</u></p> <p><u>(c) the amount of offsetting, calculated in accordance with</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Article 12(7);</u></p> <p><u>(d) the amount and type of eligible fuels used to comply with part or all of their offsetting;</u></p> <p><u>(e) the amount and type of carbon credits used to comply with part or all of their offsetting.';</u></p> <p><u>(f) total mass of freight and mail (tonnes) during the reporting period per airport pair;"</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6)(b), amending provision, numbered paragraph (7), first paragraph				
91	<p>‘</p> <p>7. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by laying down the methodology for calculating offsetting responsibilities for aircraft operators.</p>		<p>7. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by laying down the methodology for calculating offsetting responsibilities for aircraft operators</p> <p>calculation of offsetting responsibilities referred to in paragraph 6 for the purpose of ICAO's Carbon Offsetting and Reduction Scheme for International Aviation shall be made in respect of flights to, from and between the countries that are listed in the</p>	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			implementing act adopted pursuant to Article 25a(3), and of flights between Switzerland or the United Kingdom and countries that are listed in the implementing act adopted pursuant to Article 25a(3).	
Article 1, first paragraph, point (6)(b), amending provision, numbered paragraph (7), second paragraph				
91a			The Commission shall adopt implementing acts specifying in further detail the methodology for the calculation of offsetting requirements for aircraft operators. Those implementing acts shall be based on the	Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>methodology referred to in the International Standards and Recommended Practices on Environmental Protection for Carbon Offsetting and Reduction Scheme for International Aviation referred to in the preceding subparagraph. They should, however, contain the necessary adaptations to the methodology to ensure compliance with the provisions of this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).</p>	
Article 1, first paragraph, point (6)(b), amending provision, numbered paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
(7), third paragraph				
91b			<p>The first such implementing act shall be adopted by [1 May 2024]. The Commission shall ensure that no aircraft operator covered by paragraph 6 of this Article is subject to offsetting responsibilities in addition to and overlapping with their obligation to surrender allowances in accordance with this Directive with respect to the same flights during the CORSIA compliance period 2021-2023. '</p>	Maintain GA.
Article 1, first paragraph, point (6)(b) (Directive 2003/87/EC, Article 12, paragraph 8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92	<p>8. In respect of flights to, from and between the countries that are listed in the implementing act adopted pursuant to Article 25a(3), aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, shall cancel units referred to in Article 11a only in respect of the quantity notified by that Member State in respect of the relevant calendar year. The cancellation shall take place by 31 January 2025 for emissions in the period 2021 to 2023, by 31 January 2028 for emissions in the period 2024 to</p>	<p>"</p> <p>8. In respect of flights to, from and between the countries that are listed in the implementing act adopted pursuant to Article 25a(3), Aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, shall cancel units referred to in Article 11a only in respect of the quantity notified by that Member State, <u>in accordance with paragraph 6,</u> in respect of the relevant calendar year <u>CORSIA compliance period.</u> The cancellation shall take place by 31</p>	<p>8. In respect of flights to, from and between the countries that are listed in the implementing act adopted pursuant to Article 25a(3), Aircraft operators that hold an air operator certificate issued by a Member State or isare registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, shall cancel units referred to in Article 11a only in respect of the quantity notified by that Member State, in accordance with paragraph 6, in respect of the relevant calendar year CORSIA compliance period. The cancellation shall take place by 31 January 2025 for emissions in the</p>	Technical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2026, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2034 for emissions in the period 2030 to 2032 and by 31 January 2037 for emissions in the period 2033 to 2035,;	January 2025 for emissions in the period 2021 to 2023, by 31 January 2028 for emissions in the period 2024 to 2026, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2034 for emissions in the period 2030 to 2032 and by 31 January 2037 for emissions in the period 2033 to 2035,;	period 2021 to 2023, by 31 January 2028 for emissions in the period 2024 to 2026, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2034 for emissions in the period 2030 to 2032 and by 31 January 2037 for emissions in the period 2033 to 2035,;	
Article 1, first paragraph, point (6)(a) (Directive 2003/87/EC, Article 14, paragraph 1, subparagraph 1)				
92a				Certain openness could be shown on the implementation, through

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>(6a) <u>in Article 14(1), the first subparagraph is replaced by the following:</u></p> <p>The Commission shall adopt <u>implementing</u>implementing acts concerning the detailed arrangements for the monitoring and reporting of emissions and, where relevant, activity data, from the activities listed in Annex I, for the monitoring and reporting of tonne-kilometre data for the purpose of an application under Article 3e or 3f, which shall be based on the principles for monitoring and reporting set out in Annex IV and the requirements set out in paragraph 2 of this Article. Those <u>implementing</u>implementing acts shall also specify the global</p>		<p>implementing act, of a MRV for non-CO2 in a more realistic timeframe and based on an impact assessment.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>warming potential of each greenhouse gas in the requirements for monitoring and reporting <u>emissions for that gas</u>emissions for that gas.</p> <p><u>"The Commission shall adopt delegated acts concerning the detailed arrangements for the monitoring and reporting of emissions and, where relevant, activity data, from the activities listed in Annex I, for the monitoring and reporting of tonne-kilometre data for the purpose of an application under Article 3e or 3f, which shall be based on the principles for monitoring and reporting set out in Annex IV and the requirements</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>set out in paragraph 2 of this Article. Those delegated acts shall also specify the global warming potential of each greenhouse gas and the effects of non-CO2 aviation emissions in the requirements for monitoring, reporting and verification of those gases and emissions."</u>		
Article 1, first paragraph, point (6a), (Directive 2003/87/EC, Article 14, paragraph 2, subparagraph 2a)				
92b				
Article 1, first paragraph, point (6a), (Directive 2003/87/EC, Article 14, paragraph 3a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92c				
Article 1, first paragraph, point (7), introductory part (Directive 2003/87/EC, Article 18a)				
93	(7) In Article 18a, paragraph 3, point (b) is replaced by the following:		(7) In Article 18a, paragraph 3, point (b) is replaced by the following is amended as follows:	
Article 1, first paragraph, point (7)(a)				
93a			(a) In the first sentence of paragraph 2, the words "period	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Article 3c" are replaced by "period referred to in Article 13"	
Article 1, first paragraph, point (7)(b)				
93b			(b) Paragraph 3, point(b) is replaced by the following:	
Article 1, first paragraph, point (7)(b), amending provision, first paragraph				
94	‘ (b) as from 2024, at least every two years, update the list to include	‘ (b) as from 2024, <u>and subsequently</u> at least every two	(b) as from 2024, at least every two years, update the list to include aircraft operators which have subsequently performed an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	aircraft operators which have subsequently performed an aviation activity listed in Annex I;	years, update the list to include aircraft operators which have subsequently performed an aviation activity listed in Annex I.;	aviation activity listed in Annex I. Where an aircraft operator has not performed an aviation activity listed in Annex I during the four consecutive calendar years preceding the update of the list, that aircraft operator shall not be included in the updated list.’;	
Article 1, first paragraph, point (8), introductory part (Directive 2003/87/EC, Article 23)				
95	(8) Article 23 is amended as follows:		(8) Article 23 is amended as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (8)(a), introductory part (Directive 2003/87/EC, Article 23)				
96	(a) paragraphs 2 and 3 are replaced by the following:		(a) paragraphs 2 and 3 are replaced by the following:	
Article 1, first paragraph, point (8)(a) (Directive 2003/87/EC, Article 23)				
97	2. The power to adopt delegated acts referred to in Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c shall be conferred on the Commission for		2. The power to adopt delegated acts referred to in Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c shall be conferred on the Commission for an indeterminate period of time	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	an indeterminate period of time from 8 April 2018.		from 8 April 2018.	
Article 1, first paragraph, point (8)(a) (Directive 2003/87/EC, Article 23)				
98	3. The delegation of power referred to in Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c 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		3. The delegation of power referred to in Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c 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	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.’,		<i>Journal of the European Union</i> 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.’,	
Article 1, first paragraph, point (8)(b), introductory part (Directive 2003/87/EC, Article 23)				
99	(b) paragraph 6 is replaced by the following:		(b) paragraph 6 is replaced by the following:	
Article 1, first paragraph, point (8)(b) (Directive 2003/87/EC, Article 23, paragraph 6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
100	<p>6. A delegated act adopted pursuant to Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(6), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c 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 to the 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 two months at</p>		<p>6. A delegated act adopted pursuant to Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(6), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c 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 to the 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 two months at the initiative of the European</p>	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the initiative of the European Parliament or of the Council.;		Parliament or of the Council. ';	
Article 1, first paragraph, point (9) (Directive 2003/87/EC, Article 25a, numbered paragraph 2)				
100a		<p>9. <u>in Article 25a, paragraph 2 is replaced by the following:</u></p> <p><u>"2.</u> The Union and its Member States shall continue to seek an agreement on global measures to reduce greenhouse gas emissions from aviation <u>aligned with the objectives of Regulation (EU)</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>2021/1119 and the Paris Agreement. In the light of any such agreement, the Commission shall consider whether amendments to this Directive as it applies to aircraft operators are necessary.”</p> <p>Amending present text/source act</p>		
Article 1, first paragraph, point (9), introductory part (Directive 2003/87/EC, Article 25a)				
101	(9) In Article 25a, the following		(9) In Article 25a, the following	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraphs 3 to 9 are added:		paragraphs 3 to 98 are added:	
Article 1, first paragraph, point (9), amending provision (Directive 2003/87/EC, Article 25a, numbered paragraph 2)				
101a				
Article 1, first paragraph, point (9), (Directive 2003/87/EC, Article 25a numbered paragraph (3))				
102	<p>‘</p> <p>3. The Commission shall adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to be applying CORSIA</p>	<p>‘</p> <p>3. —The Commission shall, <u>at least once a year</u>, adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to</p>	<p>3. —The Commission shall adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to be applying CORSIA for the purposes of this Directive; with a baseline of 2019 for 2021 to</p>	<p>Some openness could be shown provided that the baseline from 2024 onwards referred to in the basic act is the baseline decided by 41st ICAO Assembly, that is 85% of 2019 emissions.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for the purposes of this Directive, with a baseline of 2019 for 2021 to 2023 and a baseline 2019-2020 for each year thereafter. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).	be applying CORSIA ¹ for the purposes of this Directive, with a baseline of 2019 for 2021 to 2023 and a baseline 2019-2020 for each year thereafter <u>from 2024</u> . That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).	2023 and a baseline 2019-2020 for each year thereafter. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).	
Article 1, first paragraph, point (9), (Directive 2003/87/EC, Article 25a, paragraph 3a)				
102a		<u>9 in Article 25a the following paragraph is inserted:</u> <u>"3a. Based upon the list</u>		Some openness could be shown towards increasing transparency. However, Council's position should be reserved until a thorough assessment of the amendments is made to prevent disclosure of commercially sensitive

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>established under paragraph 3, the Commission shall publish a list of aircraft operators from countries which are not considered to be applying CORSIA for flights to or from third countries for the purposes of this Directive."</u>		information.
Article 1, first paragraph, point (9) (Directive 2003/87/EC, Article 25a, paragraph 4)				
103	4. In respect of emissions from flights to or from countries that are listed in the implementing act adopted pursuant to paragraph 3, aircraft operators that hold an air operator certificate issued by a		4. In respect of emissions from flights to or from countries that are listed in the implementing act adopted pursuant to paragraph 3, aircraft operators that hold an air operator certificate issued by a	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	country or that is registered in a country that is listed therein shall not be required to cancel units in respect of those emissions.		country or that is registered in a country that is listed therein shall not be required to cancel units shall not be required to surrender allowances according to article 12(3) in respect of those emissions.	
Article 1, first paragraph, point (9), (Directive 2003/87/EC, Article 25a, paragraph 5)				
104	5. In respect of emissions occurring until 31 December 2026 from flights between the EEA and countries that are not listed in the implementing act adopted pursuant to paragraph 3, other than flights to Switzerland and the United Kingdom, aircraft operators shall		5. In respect of emissions occurring until 31 December 2026 from flights between the EEA and countries that are not listed in the implementing act adopted pursuant to paragraph 3, other than flights to Switzerland and the United Kingdom, aircraft operators shall	Technical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	not be required to cancel units.		not be required to cancel units surrender allowances according to article 12(3) in respect of those emissions.	
Article 1, first paragraph, point (9), amending provision, paragraph (5a)				
104a				
Article 1, first paragraph, point (9), (Directive 2003/87/EC, Article 25a, paragraph 6)				
105	6. In respect of emissions from flights to and from Least Developed Countries and Small Island Developing States as	6. In respect of emissions from flights to and from Least Developed Countries and Small Island Developing States as	6. In respect of emissions from flights to and from Least Developed Countries and Small Island Developing States as	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	defined by the United Nations, other than those listed in the implementing act adopted pursuant to paragraph 3, aircraft operators shall not be required to cancel units.	defined by the United Nations, other than those listed in the implementing act adopted pursuant to paragraph 3, aircraft operators shall not be required to cancel units. Deleted	defined by the United Nations, other than those listed in the implementing act adopted pursuant to paragraph 3 and those states whose GDP per capita equals or exceeds the Union average, aircraft operators shall not be required to cancel units surrender allowances according to article 12(3) in respect of those emissions.	
Article 1, first paragraph, point (9), (Directive 2003/87/EC, Article 25a, paragraph 7)				
106	7. Where the Commission determines that there is a significant distortion of	7. Where the Commission determines that there is a significant distortion of	7. Where the Commission determines that there is a significant distortion of	Maintain GA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>competition which is detrimental to aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, the Commission shall be empowered to adopt implementing acts to exempt those aircraft operators from surrender requirements as laid down in Article 12(8) in respect of emissions from flights to and from such countries. The distortion of competition may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in a manner equal to all aircraft operators.</p>	<p>competition which is detrimental to aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, the Commission shall be empowered to adopt implementing acts <u>delegated acts in accordance with Article 23 to supplement this Directive in order</u> to exempt those aircraft operators from surrender requirements as laid down in Article 12(8) in respect of emissions from flights to and from such countries. The distortion of competition may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce</p>	<p>competition which is detrimental to aircraft operators that hold an air operator certificate issued by a Member State or isare registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, the Commission shall be empowered to adopt implementing acts to exempt those aircraft operators from surrender requirements as laid down in Article 12(8) in respect of emissions from flights to and from such countries. The distortion of competition may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in a manner equal to all aircraft operators.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).	CORSIA provisions in a manner equal to all aircraft operators. Those implementing acts <u>The Commission</u> shall be adopted in accordance with the examination procedure <u>also publish information on how the criteria</u> referred to in Article 22a(2) <u>paragraph 7a have been fulfilled.</u>	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).	
Article 1, first paragraph, point (9), (Directive 2003/87/EC, Article 25a, paragraph 7a)				
106a		<u>9. In Article 25a, the following paragraph is inserted:</u> <u>"7a. The Commission shall adopt</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>delegated acts in accordance with Article 23 laying down the methodology and criteria used to determine whether there is a significant distortion of competition pursuant to paragraph 7 of this Article. The Commission shall publish information on the application of the delegated act in a transparent manner."</u>		
Article 1, first paragraph, point (9) (Directive 2003/87/EC, Article 25a, paragraph 8)				
107	8. Where an aircraft operator that holds an air operator certificate issued by a Member State or is		8. Where an aircraft operator that holds operators that hold an air operator certificate issued by a	Error in GA. This paragraph should read: "Where an aircraft operator that holds operators that hold an

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, operates flights between two different countries listed in the implementing act adopted pursuant to paragraph 3, including flights that take place between Switzerland, the United Kingdom and countries listed in the implementing act adopted pursuant to paragraph 3, and those countries allow aircraft operators to use other units than those on the list adopted pursuant to Article 11a(8), the Commission shall be empowered to adopt implementing acts allowing those aircraft operators to use unit types additional to that list or not to be bound by the conditions of Article</p>		<p>Member State or isare registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, operates flights between two different countries listed in the implementing act adopted pursuant to paragraph 3, including flights that take place between Switzerland, the United Kingdom and countries listed in the implementing act adopted pursuant to paragraph 3, and those countries allow aircraft operators to use other units than those on the list adopted pursuant to Article 11a(8),the Commission shall be empowered to adopt implementing acts allowing those aircraft operators to use– unit types additional to that list or not to be bound by the</p>	<p>air operator certificate issued by a Member State or isare registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, operates flights between two different countries listed in the implementing act adopted pursuant to paragraph 3, including flights that take place between Switzerland, the United Kingdom and countries listed in the implementing act adopted pursuant to paragraph 3, and those countries allow aircraft operators to use other units than those on the list adopted pursuant to Article 11a(8),-the Commission shall be empowered to adopt implementing acts allowing those aircraft operators to use– unit types additional to that</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	11a(2) and (3) in respect of emissions from such flights. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;		conditions of Article 11a(2) and (3) in respect of emissions from such flights. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;	list or not to be bound by the conditions of Article 11a(2) and (3) in respect of emissions from such flights. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;"
Article 1, first paragraph, point (9), (Directive 2003/87/EC, Article 25a, paragraph 8a)				
107a		<p><u>9. in Article 25a the following paragraph is added:</u></p> <p><u>"8a. By 1 January 2027, the Commission shall present a report</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>to the European Parliament and the Council on the application of this Directive, on aviation's contribution to the objectives of Regulation (EU) 2021/1119 and the Paris Agreement, the implementation of CORSIA and on its impact regarding the aviation internal market of the Union, its competitiveness and a just transition, in particular the social impacts of this Directive, re-skilling and up-skilling, as well as the impact on the frequency and costs of air travel for passengers, especially those with lower incomes. The report shall contain recommendations that shall be implemented without undue delay."</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (9a)				
107b			<p>9a. In article 28a(6), the words "By way of derogation from Articles 3g, 12, 15 and 18a" are replaced by "By way of derogation from Articles 12, 15 and 18a"</p>	
Article 1, first paragraph, point (9) (Directive 2003/87/EC, Article 28b)				
107c		<p>8a-9a Article 28b <u>is replaced by the following:</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>"Article 28b</u></p> <p>Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure.</p> <p>1. Before 1 January 2019 and regularly<u>2027 and every two years</u> thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to emissions from 2021, in particular with regard to:</p> <p>(i) the relevant ICAO instruments,</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>including standards and recommended practices;</p> <p>(ii) ICAO Council-approved recommendations relevant to the global market-based measure <u>including any possible changes to baselines</u>;</p> <p>(iii) the establishment of a global registry;</p> <p>(iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021;</p> <p>(v) the implications of reservations <u>level of participation</u> by third countries, <u>including the implications of their reservations as regards such participation</u>; and</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>(vi) other relevant international developments and applicable instruments.</p> <p>In line with the UNFCCC's global stocktake <u>of the Paris Agreement</u>, the Commission shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of halving<u>reducing</u> aviation CO2 emissions relative to 2005 levels <u>to net zero</u> by 2050.</p> <p>2. Within 12 months of the adoption by the ICAO of the relevant instruments, and before the global market-based measure becomes operational<u>By 2027</u>, the Commission shall present a<u>that</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>report to the European Parliament and to the Council in which it shall</p> <p>consider ways for those instruments to be implemented in Union law through a revision of this Directive. The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall <u>assess the</u></p> <p>environmental integrity of the <u>ICAO's</u> global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits,</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels. In addition, the report shall consider whether the provisions adopted under Article 28c(2) need to be revised.</p> <p>3. The Commission shall accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, delete, extend or replace the derogations provided for in Article 28a, that is consistent with the Union's economy-wide greenhouse gas emission reduction commitment for 2030 <u>and the</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>objective of achieving climate neutrality by 2050 at the latest</u></p> <p>with the aim of preserving the environmental integrity and effectiveness of Union climate action.</p> <p><u>3a. With a view to improving the CORSIA scheme, the Union and the Member States shall actively promote in ICAO, and through bilateral and multilateral diplomacy, improvements with regard to CORSIA's environmental integrity, including the sustainability criteria for offsets, and its enforcement, and shall encourage wider international participation in the scheme. The Union and its</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Member States shall also promote in ICAO additional climate and environmental measures, greater transparency and the establishment of an ambitious long-term emissions reduction goal that is in line with the Paris Agreement."</u></p> <p>Amending present text/source act</p>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (9b)				
107d			9b. In article 30, the following	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			paragraph is added:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (9b), first paragraph				
107e			<p>6. By 2028, the Commission shall carry out an evaluation and report to the European Parliament and the Council on the impact of this directive on connectivity for islands and remote territories, on competitiveness and on the risk of carbon leakage.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9b), (Directive 2003/87/EC, Article 30, paragraph 4a)				
107f		<p><u>(9b) in Article 30, the following paragraph is added :</u></p> <p><u>"4a. By 1 January 2026, the Commission shall present a report to the European Parliament and to the Council evaluating the environmental and climate impacts and the technical and economic viability of establishing specific requirements for the flight segment comprising regional flights and the lower-end of short-range flights to reduce such impacts, including the setting of</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>higher minimum shares of sustainable aviation fuels to be referred to in Regulation xxx/xxx [ReFuelEU Regulation]¹ as well as possibilities for alternative routing for such types of flights, and taking into account the alternative modes of public transport available to cover such services in a comparable time period."</u></p> <p>_____</p> <p><u>1. [add ref to the FuelEU Maritime Regulation].</u></p>		
<p>Article 1, first paragraph, point (9c), (Directive 2003/87/EC, Article 30, paragraph 4b)</p>				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
107g		<p><u>(9c) In Article 30, the following paragraph is added:</u></p> <p><u>4b. Before 1 January 2025, the Commission, supported by the European Scientific Advisory Board on Climate Change established in Article 3 of Regulation (EU)2021/1119, shall present an analysis of measures to reduce the climate impact of air travel by private aircraft, accompanied, where appropriate, by a proposal on how best to address those effects.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (10), introductory part				
108	(10) In Annex I, in the table, the following text is inserted after the first paragraph of the entry ‘Aviation’ of the column ‘Activities’:		(10) In Annex I, in the table, the following text is inserted after the first paragraph of the entry ‘Aviation’ of the column ‘Activities’ is amended as follows:	
Article 1, first paragraph, point (10), amending provision, point (a)				
108a			‘ (a) In the table, the second paragraph of the entry ‘Aviation’ of the column ‘Activities’¹ is replaced by the	CORSIA notification decision.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>following:</p> <p>_____</p> <p>1. Introduced by the notification decision in its wording approved by Coreper in document 9366/22 – depends on final outcome of the negotiation on 2021/0204(COD).</p>	
Article 1, first paragraph, point (10), amending provision, point (a), first paragraph				
109	<p>Flights between aerodromes that are located in two different countries that are listed in the implementing act adopted pursuant to Article 25a(3) by aircraft operators that fulfil all of the</p>		<p>Flights between aerodromes that are located in two different countries that are listed in the implementing act adopted pursuant to Article 25a(3) and flights between Switzerland or the United Kingdom and countries that are listed in the</p>	Technical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following conditions:		implementing act adopted pursuant to Article 25a(3) and, for the purpose of Article 12(6), 12(7) and 28c, any other flight between aerodromes that are located in two different third countries by aircraft operators that fulfil all of the following conditions:	
Article 1, first paragraph, point (10), amending provision, point (a), first paragraph, point (a)				
110	(a) the aircraft operator holds an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies		(a) the aircraft operator holds an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and territories of that Member State;		and territories of that Member State;	
Article 1, first paragraph, point (10), amending provision, point (a), first paragraph, point (b)				
111	(b) they produce annual CO ₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019. For the purposes of this point, emissions from the		(b) they produce annual CO ₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019. For the purposes of this point, emissions from the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following types of flights shall not be taken into account: (i) state flights; (ii) humanitarian flights; (iii) medical flights; (iv) military flights; (v) firefighting flights..		following types of flights shall not be taken into account: (i) state flights; (ii) humanitarian flights; (iii) medical flights; (iv) military flights; (v) firefighting flights..	
Article 1, first paragraph, point (10), amending provision, point (b)				
111a			(b) In the table, in the column 'Activities' in the entry 'Aviation', in point (i), the word "30 000" is replaced by "50 000";	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (10a)				
111b			<p>(10a) Annex Ia¹ is deleted.</p> <p>_____</p> <p>1. Introduced by the notification decision in its wording approved by Coreper in document 9366/22.</p>	CORSIA notification decision.
Article 1, first paragraph, point (11)				
111c			<p>(11) In Annex IV, Part B, the following sentence is inserted at the end of the fifth paragraph:</p>	Technical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (11), subparagraph				
111d			‘The emissions factor for Jet kerosene (Jet A1 or Jet A) shall be 3,16 (t CO₂/t fuel).’.	Technical
Article 2				
112	Article 2		Article 2	
Article 2(1), first subparagraph				
113				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2023. They shall immediately communicate the text of those measures to the Commission.		1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2023. They shall immediately communicate the text of those measures to the Commission.	
Article 2(1), second subparagraph				
114	When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference		When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	is to be made.		is to be made.	
Article 2(2)				
115	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.		2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
Article 3				
116	Article 3		Article 3	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph				
117	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 4				
118	Article 4		Article 4	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4, first paragraph				
119	This Directive is addressed to the Member States.		This Directive is addressed to the Member States.	