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REPORT

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)
Subject: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on ensuring a level playing field for sustainable air transport

- Analysis of the final compromise text with a view to agreement

I. INTRODUCTION

1. On 14 July 2021, the Commission submitted to the European Parliament and the Council a proposal for a Regulation on ensuring a level playing field for sustainable air transport ('ReFuelEU Aviation'), as part of the 'fit for 55' package.
2. The European Economic and Social Committee adopted its opinion on the above proposal on 20 October 2021, while the European Committee of the Regions has not adopted an opinion.
3. The Spanish Parliament, the Senate of the Parliament of the Czech Republic and the Joint Parliamentary Committee on Transport and Communications of the Republic of Ireland have adopted opinions on the application of the principles of subsidiarity and proportionality.

4. The Council (TTE, Transport) on 2 June 2022 reached a General Approach under the French Presidency. The General Approach included, in particular, a wider scope of allowed fuels, new provisions on national mandates, allowing Member States to apply a higher minimum share for synthetic fuel, albeit within a limit, with very specific conditions and limited to synthetic fuels, as well as exemptions from the 'anti-tankering' provisions where particular difficulties exist for aircraft operators.
5. The European Parliament designated the Committee on Transport and Tourism (TRAN) as the committee responsible for this proposal and appointed Mr Søren Gade (DK, RENEW) as the rapporteur. He was later replaced by Mr José Ramón BAUZÁ DÍAZ (ES, RENEW). The European Parliament adopted its mandate for the negotiations with the Council during the Plenary Session on the 7 July 2022.
6. The main changes introduced by the European Parliament concerned the widening of the scope for Union airports and aircraft operators; the inclusion of electricity and hydrogen in the definition of synthetic aviation fuels; an increase of the eligible feedstock for SAF; the introduction of the SAF Flexibility Mechanism similar to a Book & Claim system; the earmarking of the revenues generated from the fines to a new EU fund, the 'Sustainable Aviation Fund'; the introduction of a Union labelling system as well as an increase in the percentages for targets within Annex I of the proposal especially concerning synthetic aviation fuel.
7. The co-legislators swiftly engaged in negotiations and four trilogues have been organised; on 8 September, 13 October, 8 December 2022 and 25 April 2023. At the last trilogue the co-legislators reached a provisional agreement, resulting in the final compromise text as set out in the Annex to this report.

II. MAIN ELEMENTS OF THE FINAL COMPROMISE TEXTS

8. Following the mandate granted on 19 April under document 7382/23, the compromise agreed provisionally with the Parliament on the final open issues consisted on the following elements:

a) Scope of fuels allowed (Definitions in Article 3)

The positions on the scope of fuels allowed in this proposal did not vary greatly. Both Parliament and the Council supported a wider scope of fuels than the one presented in the Commission's proposal. The provisional agreement found was identical to the compromise presented in the mandate.

b) Ambitions, EU and National mandates

The Parliament presented a very strong position to set high uniform EU blending mandates with significantly higher minimum shares in the Annex while the Presidency has defended the Council's view of moderate blending targets in the Annex boosted with the possibility for Member States to, under certain conditions, go beyond the EU targets. The Parliament insisted strongly that it could not accept lowering its ambitions on the targets or accepting national mandates. The Presidency sought with the Parliament to achieve a compromise that included high ambition while allowing for the necessary flexibilities. In that effort, the synthetic fuel target of 2030 to 2034 proved the most complicated. The compromise resulting from the conclusive trilogue allows applying average targets during this five year period that would allow fuel suppliers some flexibility. However, these average targets are also strengthened with minimum shares that must be supplied annually. Moreover, later targets (2040, 2045 and 2050) were also increased, albeit slightly.

c) Enforcement – Collection and earmarking of funds.

The Parliament defended its position on the creation of a separate fund to collect the revenues generated from fines. However, upon the Council's insistence, the Parliament accepted that the Member States keep those revenues as long as it was supported by an earmarking of funds provision, ensuring that Member States use these revenues for the purpose of supporting research and innovation projects in the field of SAF, its production and in bridging the price gap between SAF and conventional aviation fuels.

d) Other Provisions

i) Review Clause

Whilst the Review clause was already quite mature and the text stable, the compromise text would require the Commission to prepare a report to the Parliament and the Council every four years.

ii) Recitals

In the most part, the recitals had already been prepared. However, the remaining recitals, which were mostly linked to the last remaining open issues, have been aligned to the operative parts of the text.

III. CONCLUSIONS

9. The Permanent Representatives Committee is invited to:

- a) confirm the agreement on the final compromise text as set out in Annex to this note, in view of reaching an agreement at first reading with the European Parliament;

- b) authorise the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the text contained in Annex to this note (subject to revision by the legal linguists of both institutions), the Council will, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position at first reading and the act shall be adopted in the wording which corresponds to the European Parliament's position.

2021/0205 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on ensuring a level playing field for sustainable air transport (*ReFuelEU Aviation*)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C , , p. .

² OJ C , , p. .

- (1) Over the past decades, air transport has played a crucial role in the Union's economy and in the everyday lives of Union citizens, as one of the best performing and most dynamic sectors of the Union economy. It has been a strong driver for economic growth, jobs, trade and tourism, as well as for connectivity and mobility for businesses and citizens alike, **and one of the main connectors between outermost regions and the mainland**, particularly within the Union aviation internal market. Growth in air transport services has significantly contributed to improving connectivity, **fostering cohesion, and reducing regional disparities** within the Union, **in particular for peripheral, outermost, sparsely populated and insular regions, as well as** ~~and~~ with third countries, and has been a significant enabler of the Union economy.
- (2) From 2020, air transport has been one of the hardest hit sector by the COVID-19 crisis. ~~With the perspective of an end to the pandemic in sight,~~ It is expected that air traffic will gradually resume in the coming years and recover to its pre-crisis levels. **The International Civil Aviation Organisation (ICAO) estimates per annum growth in Europe of up to 3.1 % a year until 2050 for passenger traffic, and up to 2.4 % for freight traffic according to its post-COVID-19 forecast in a high traffic scenario.** At the same time, emissions from the sector have been increasing since 1990 and the trend of increasing emissions could **quickly** return as we overcome the pandemic. Therefore, it is ~~necessary~~ **imperative** to prepare for the future and make the necessary adjustments ensuring a well-functioning air transport ~~market~~ **sector** that contributes **fully** to achieving the Union's climate goals, with high levels of connectivity, **affordability**, safety and security. **The Union has established legal obligations under Regulation (EU) 2021/1119 to achieve climate neutrality by 2050 at the latest and to achieve a reduction of net greenhouse gas emissions by at least 55 % compared to 1990 by 2030. In order to achieve this, all economic sectors, including the transport sector, have to take rapid steps to decarbonise. For the aviation sector, this necessitates a strong ramp-up of the production, supply and uptake of sustainable aviation fuels (SAF).**

- (3) The functioning of the Union air transport sector is determined by its cross-border nature across the Union, and by its global dimension. The aviation internal market is one of the most integrated sectors in the Union, governed by uniform rules on market access and operating conditions. The *Union's external* air transport ~~external~~ policy is governed by rules established at global level at the ~~International Civil Aviation Organisation (ICAO)~~, as well as ~~by ICAO~~, **and in** comprehensive multilateral or bilateral agreements between the Union or its Member States, and third countries. ***It is therefore important that the Union sustains the efforts made at international, multilateral and bilateral level to promote a high level of ambition and convergence in the uptake of SAF, while providing for an international level playing field.***
- (4) The air transport market is subject to strong competition between economic actors ***globally and*** across the Union, for which a level playing field is indispensable. The stability and prosperity of the air transport market and its economic actors relies on a clear and harmonised policy framework where aircraft operators, airports and other aviation actors can operate on the basis of equal ***rules and opportunities, leading to a vibrant sector and to job opportunities. To a large extent intra-EU flights are part of global itineraries set in a global market. The same is valid for itineraries from non-EU to non-EU destinations through European airports.*** Where market distortions occur, ~~they risk putting aircraft operators or airports~~ ***are put at risk for*** at a disadvantage with internal or external competitors. In turn, this can result in a loss of competitiveness of the air transport industry, ***putting air transport businesses and jobs at risk***, and a loss of air connectivity ***and transport choices*** for citizens and businesses.

- (5) In particular, it is essential to ensure a level playing field across the Union air transport market regarding aviation fuel, which account for a substantial share of aircraft operators' costs *while fostering the decarbonisation of air transport by the promotion of SAF*. Variations in fuel prices can affect ~~significantly~~ aircraft operators' economic performance and negatively impact competition on the market. ***High fuel prices translating directly into high end-consumer fares would reduce the connectivity of regions, mobility of citizens and competitiveness of business of the aviation sector and also mobility.*** Where differences in aviation fuel prices exist between Union airports or between Union and non-Union airports, this can lead aircraft operators to adapt their refuelling strategies for economic reasons. Fuel tankering increases aircraft's fuel consumption and results in unnecessary greenhouse gas emissions.— Fuel tankering by aircraft operators accordingly undermines ~~of~~ the Union's efforts towards environmental protection. Some aircraft operators are able to use favourable aviation fuel prices at their home base as a competitive advantage towards other airlines operating similar routes. This can have detrimental effects on the competitiveness of the sector, ***leading to market distortions and*** ~~and~~ be harmful to air connectivity. This Regulation should set up measures to prevent such practices in order to avoid unnecessary environmental damage as well as to restore and preserve the conditions for fair competition on the air transport market.
- (6) A key objective of the common transport policy is sustainable development. This requires an integrated approach aimed at ensuring ~~both~~ the effective functioning of Union transport systems, ***taking into account social standards and environmental objectives*** ~~and protection of the environment~~. Sustainable development of air transport requires the introduction of measures, ***including economic instruments***, aimed at reducing the carbon emissions from aircraft flying from Union airports ***and developing a market for the production and supply of SAF***. Such measures should contribute to meeting the Union's climate objectives by 2030 and 2050.

(7) The Communication on a Sustainable and Smart Mobility Strategy³ adopted by the Commission in December 2020 sets a course of action for the EU transport system to achieve its green and digital transformation and become more resilient. The decarbonisation of the air transport sector is a necessary and challenging process, especially in the short term. Technological advancements, **and a clear commitment from the industry**, pursued in European and national research and innovation aviation programmes have contributed to important emission reductions in the past decades. However, the global growth of air traffic has outpaced the sector's emissions reductions.— Whereas new technologies, **including the development of zero-emission electric- or hydrogen-powered aircraft**, are expected to help reducing short-haul aviation's reliance on fossil energy in the next decades **and can play an important role in commercial aviation in the medium and long term**, sustainable aviation fuels offer ~~the only~~ **a promising** solution for significant decarbonisation of all flight ranges, ~~already~~ **both** in the short, **and in the medium and long** term. However, this potential is currently largely untapped **and needs support**.

(7a) The principle of energy efficiency first has been implemented in the air transport sector. The deployment of more energy efficient engines contributes to decreasing the environmental footprint of flights and also more resource efficient use of SAF.

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Sustainable and Smart Mobility Strategy – putting European transport on track for the future (COM/2020/789 final), 9.12.2020.

- (8) ~~Sustainable~~**SAF are** aviation fuels ~~are~~**that comprise** liquid, drop-in fuels, fully fungible with conventional aviation fuel and compatible with existing aircraft engines. Several production pathways of ~~sustainable aviation fuels~~**SAF** have been certified at global level for use in civil or military aviation. ~~Sustainable aviation fuels~~**SAF** are technologically ready to play an important role in reducing emissions from air transport already in the very short term. They are expected to account for a major part of the aviation fuel mix in the medium and long term. Further, with the support of appropriate international fuel standards, ~~sustainable aviation fuels~~**and support for the design of those standards, SAF** might contribute to lowering the aromatic content of the final fuel used by an operator, thus helping to reduce other non-CO₂ emissions. Other ~~alternatives to power aircraft,~~**aviation fuels** such as electricity or liquid hydrogen**hydrogen are promising technologies and** are expected to progressively contribute to the decarbonisation of air transport, beginning with short-haul flights. ***This Regulation has the potential to further accelerate scientific development and deployment of these technologies, as well as boost commercial innovation in respect of them, by allowing economic operators to consider those technologies when they become mature and commercially available. It will also increase market certainty and predictability and act as an incentive for the investments in those new technologies that are necessary.***
- (9) The gradual introduction of ~~sustainable aviation fuels~~**SAF** on the air transport market will represent an additional fuel cost for airlines, as such fuel technologies are currently more expensive to produce than conventional aviation fuel. This is expected to exacerbate the pre-existing issues of level playing field on the air transport market as regards aviation fuel, and to cause further distortions among aircraft operators and airports, ***also in the context of the implementation of Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) and EU Emissions Trading System (ETS). The availability of feedstock and the production capacity of SAF are not unlimited. An intensified competition for limited feedstock could lead to shortages of supply and market distortions and thereby negatively affect the competitiveness of the aviation sector as a whole.*** This Regulation should take measures to prevent that the introduction of ~~sustainable aviation fuels~~**SAF** affects negatively the competitiveness of the aviation sector by defining harmonised requirements across the Union.

(10) At global level, ~~sustainable aviation fuels are regulated at ICAO. In particular, ICAO establishes~~*SAF are regulated and defined by ICAO, where countries agree on* detailed requirements on the sustainability, traceability and accounting of *certified* sustainable aviation fuels *pathways* for use on flights covered by ~~the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)~~. While incentives are set in CORSIA and ~~sustainable aviation fuels~~*SAF* are considered an integral pillar of the work on the feasibility of a Long-Term Aspiration Goal for international aviation, there is currently no mandatory scheme on the use of ~~sustainable aviation fuels~~*SAF* for international flights. Comprehensive multilateral or bilateral air transport agreements between the EU or its Member States, and third countries generally include provisions on environmental protection. However, for the time being, such provisions do not impose on contracting parties any binding requirements on the use of ~~sustainable aviation fuels~~*SAF*.

(10a) In order to prevent distortions of competition in the international aviation market, that could lead to the loss of traffic flows connecting through EU airports and to carbon leakage and in order to create a global market of SAF, the Union should take a global lead in the shift towards the use of SAF, engage in international negotiations to harmonise definitions and standards of SAF and promote international convergence on the rules concerning the production, uptake and uplift of SAF. The Commission and Member States should sustain efforts at ICAO for an ambitious global framework for the production and uptake of SAF. Furthermore, the Commission should regularly assess whether the provisions of this Regulation have an adverse effect on the functioning of the internal market in aviation, the sector's competitiveness, the international level playing field with regards to air carriers and airport hubs and possible re-routing leading to carbon leakage and, where appropriate, present remedies to address these adverse effects.

- (11) At EU level, general rules on renewable energy for the transport sector are set out in Directive (EU) 2018/2001 of the European Parliament and of the Council⁴. In the past, such horizontal cross-sectoral regulatory frameworks have not proven effective to operate a transition from fossil fuels to ~~sustainable aviation fuel~~ **SAF** in air transport. Directive (EU) 2018/2001 and its predecessor set out overarching targets across all transport modes to be supplied with renewable fuels. As aviation is a *relatively* small fuels market for which renewable fuels are more costly to produce, *in comparison to other* ~~while a fully integrated European transport market, in comparison to other modes, and operates in a highly competitive and integrated European air transport modes~~ **market**, such regulatory frameworks should be complemented with aviation-specific measures to effectively boost the deployment of ~~sustainable aviation fuels~~ **SAF**. Further, national transpositions of Directive (EU) 2018/2001 risks creating significant fragmentation in the air transport market, where national rules on ~~sustainable aviation fuels~~ **SAF** would set out widely differing targets. This would be expected to further exacerbate the issues of level playing field in air transport.
- (12) Therefore, uniform rules need to be laid down for the aviation internal market to complement Directive (EU) 2018/2001 and to deliver on its overall objectives by addressing the specific needs and requirements arising from the EU aviation internal market *and promoting SAF*. In particular, the present Regulation aims to avoid a fragmentation of the *Union* aviation market, prevent possible competitive distortions between economic actors, or unfair practices of cost avoidance as regards the refuelling of aircraft operators, *while fostering the development of SAF in the Union. Targeted support and financing at the Union and national levels, as well as public and private partnerships can further complement this Regulation to improve SAF availability and affordability and to further accelerate the supply and uptake of SAF. Moreover, this Regulation should be without prejudice to the obligations laid down in Directive (EU) 2018/2001; Member States can claim the use of relevant fuels covered by this Regulation for achieving the objectives and targets laid down in that Directive subject to the conditions and within the limits of that Directive.*

⁴ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

- (13) This Regulation aims in the first instance to set out a framework restoring and preserving a level playing field on the air transport market as regards the use of aviation fuels. Such a framework should prevent divergent requirements across the Union that would exacerbate refuelling practices distorting competition between aircraft operators or putting some airports at competitive disadvantage with others. In a second instance, it aims to gear the EU aviation market with robust rules to ensure that gradually increasing shares of ~~sustainable aviation fuels~~ **SAF** can be introduced at ~~EU~~ **Union** airports without detrimental effects on the competitiveness of the EU aviation internal market.
- (14) It is essential to set harmonised rules across the EU internal market, applying directly and in a uniform way to aviation market actors on the one hand, and aviation fuels market actors on the other hand. The overarching framework set out by Directive (EU) 2018/2001 should be complemented with a *lex specialis* ~~lex specialis~~ applying to air transport. It should include gradually increasing targets for the supply of ~~sustainable aviation fuels~~ **SAF**. Such targets should be carefully defined, taking into account the objectives of a well-functioning air transport market, the need to decarbonise the aviation sector and the current status of the ~~sustainable aviation fuels~~ **SAF** industry.

(15) The present Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to aircraft such as military aircraft and ~~aircraft engaged in~~ *flights used only for* operations for humanitarian, *repatriation and returns, whether voluntary or enforced, including readmissions*, search, rescue, disaster relief or medical purposes, as well as *for* customs, police and fire-fighting operations. Indeed, flights operated in such circumstances are of exceptional nature and as such cannot always be planned in the same way as ~~regular~~ *standard commercial air transport* flights. Due to the nature of their operations, they may not always be in a position to fulfil obligations under this Regulation, as it may represent unnecessary burden. In order to cater for a level playing field across the EU aviation single market, this Regulation should cover the largest possible share of commercial air traffic operated from airports located on EU territory. At the same time, in order to safeguard air connectivity for the benefits of EU citizens, businesses and regions, it is important to avoid imposing undue burden on air transport operations at small airports. A threshold of yearly passenger air traffic and freight traffic should be defined, below which airports would not be covered by this Regulation; However, the scope of the Regulation should cover at least 95% of total traffic departing from airports in the Union. For the same reasons, a threshold should be defined to ~~exempt~~ *exclude from the scope* aircraft operators accountable for a very low number of departures from airports located on EU territory.

However, in order to achieve a higher level of ambition, Member States should be able to decide that an airport located on its territory that does not reach the thresholds laid down in this Regulation or is located in an outermost region is subject to this Regulation. An airport located in the Union territory that does not reach the thresholds laid down in this Regulation, or located in outermost regions, may request the respective competent authorities to be treated as a Union airport and be subject to this Regulation.

Moreover, a person operating commercial air transport flights but that does not reach the thresholds laid down in this Regulation or a person operating flights other than commercial air transport flights using aviation turbine fuels may decide to be treated as an aircraft operator for the purposes of this Regulation and therefore to be subject to this Regulation and/or that its non commercial air transport flights be covered by this Regulation.

International aviation fuels standards define which types of conventional aviation fuels can be blended or mixed with SAF, which affects the applicability of this Regulation as concerns aviation fuels.

Moreover, the definition of the aviation fuels is limited to drop-in fuels and therefore does not include hydrogen and electricity used to power aircraft. Therefore, obligations on aviation fuels suppliers, Union airport managing bodies and aircraft operators apply to drop-in fuels whenever aviation fuels are referred to, unless hydrogen or electricity is concerned.

- (15a) It is essential that less-connected European regions, such as insular and outermost regions, that often rely on aviation as the sole means of connection, are not disproportionately affected by the obligations resulting from this Regulation and that access of these regions to essential goods and services is ensured. In order to help safeguarding the air-connectivity of regions with fewer alternative transport options, attention should be paid to the possible effects of the provisions in this Regulation with regards to the affordability, competitiveness and potential price increases of air routes connecting remote regions and other areas of the Union.*
- (16) Development and deployment of ~~sustainable aviation fuels~~ **SAF** with a high potential for sustainability, commercial maturity and ~~a high potential for innovation and growth~~ to meet future needs should be promoted. This should support creating innovative and competitive ~~fuels markets~~ **SAF market** and ensure sufficient supply of ~~sustainable aviation fuels~~ **SAF** for aviation in short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. *Incentives on the use of RFNBOs in transport in other EU legislative acts will have a positive impact on the uptake of such fuels in aviation. A single, clear and robust sustainability framework is necessary to provide legal certainty and continuity for the aviation and fuels industries actors, on the eligibility of SAF under this Regulation.*

For this purpose, ~~sustainable~~**all** aviation fuels produced from feedstock listed in Parts A and B of Annex IX of ~~biofuels which comply with the sustainability and lifecycle emissions criteria laid down in~~ Directive (EU) 2018/2001 **and are certified in accordance with that Directive, with the exception of biofuels produced from ‘food and feed crops’ and certain feedstock listed in Article 4,** ~~as well as synthetic aviation fuels and recycled carbon aviation fuels complying with the lifecycle emissions savings threshold referred to in that Directive~~ should be eligible. In particular, ~~sustainable~~**that respect, to ensure consistency with other related EU policies, the eligibility of aviation biofuels, synthetic aviation fuels and recycled carbon aviation fuels should be based on the sustainability criteria and thresholds established in Directive 2018/2001.**

In particular, SAF produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise air transport already in the short term. The renewable share of fuels produced through co-processing should be eligible under the definition of SAF, as long as the renewable share is produced from feedstock listed in Directive (EU) 2018/2001 with the exception of biofuels produced from ‘food and feed crops’ as defined in Article 2, second paragraph, point 40 of that Directive, and of certain feedstock listed in Article 4, determined in line with the methodology to be set out under Delegated Act.

Renewable hydrogen for aviation and low-carbon aviation fuels achieving at least same level of lifecycle emissions savings as synthetic aviation fuels can play a role in substituting conventional aviation fuels and support aviation decarbonisation and therefore should also be included in the scope of this Regulation.

- (16a) Given the use of feedstock for cosmetics and animal feed, aviation biofuels other than advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001 and other than biofuels produced from the feedstock listed in Part B of Annex IX to that Directive supplied across Union airports by each aviation fuel supplier should account for a maximum of 3 % for the purposes of complying with the minimum shares of SAF to be supplied at each Union airports under this Regulation.***

(16ab) A wide pool of eligible feedstock is essential to maximise the potential for scaling up the production of SAF at affordable costs, while at the same time guaranteeing its sustainability. The Regulation excludes certain types of feedstock unless such feedstock is included in Annex IX of Directive (EU) 2018/2001, and meets all applicable conditions if such conditions are set out in that Annex. The list of feedstock eligible under the present Regulation should not be therefore static but evolving over time to include new sustainable feedstock in line with article 28(6) of that Directive. Changes in the list of feedstock in Annex IX of that Directive, fulfilling the relevant conditions of that Annex, should become directly reflected in the list of eligible fuels under this Regulation for the production of SAF.

(17) For sustainability reasons, feed and food crop-based ~~fuels~~ **aviation biofuels, including high indirect land-use change risk biofuels**, should not be eligible. In particular, indirect land-use change occurs when the cultivation of crops for biofuels displaces traditional production of crops for food and feed purposes. Such additional demand increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional greenhouse gas emissions and loss of biodiversity concerns. Research has shown that the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels and the extent to which land with high-carbon stock is protected worldwide. The highest risks of indirect land-use change have been identified for biofuels, fuels produced from feedstock for which a significant expansion of the production area into land with high-carbon stock is observed. Accordingly, feed and food crop-based fuels should not be promoted. This approach is in line Union policy and in particular with Directive (EU) 2018/2001 which limits and sets a cap on the use of such biofuels in road and rail transport, considering their lower environmental benefits, lower performance in terms of greenhouse reduction potential and broader sustainability concerns. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of negating some or all greenhouse gas emissions savings of individual biofuels – indirect land-use change poses risks also to biodiversity. This risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. The aviation sector has currently insignificant levels of demand for food and feed crops-based biofuels, since over 99% of currently used aviation fuels are of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels by promoting their use under this Regulation. The non-eligibility of crop-based biofuels under this Regulation also minimises any risk to slow down the decarbonisation of road transport, which could otherwise result from a shift of crop-based biofuels from the road to the aviation sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector.

(17a) Accurate and correct information about the characteristics of sustainable aviation fuels is of major importance for the proper functioning of this Regulation. In order to promote consumer confidence and ensure transparency and traceability, aviation fuel suppliers should be responsible to provide the correct information with regards to the characteristics of the fuels supplied, its sustainability characteristics and the origin of feedstock used in the production of the fuel. That information should be reported in the Union Database established under Article 28 of Directive (EU) 2018/2001. Aviation fuel suppliers that have been proven to have provided misleading or inaccurate information regarding the characteristics or origin of the fuels they supply should be subject to a penalty. Member States should ensure that aviation fuel suppliers enter timely and accurate information in the Union Database and that that information is verified and audited. In order to combat possible fraud, including as concerns feedstock needed for the production of SAF imported from outside the Union, it is necessary for Member States, in cooperation with the relevant European bodies, to strengthen the control mechanisms for shipments, including on-site audits, in accordance with relevant Union rules. In this respect, the Commission set out implementing rules on sustainability certification in line with Article 30(8) of the Directive (EU) 2018/2001 in order to further harmonise and strengthen the rules on reliability, transparency and independent auditing as well as on cooperation of competent authorities of the Member States in audit supervision.

~~(18) A single, clear and robust sustainability framework is necessary to provide certainty for the aviation and fuels industries actors, on the eligibility of sustainable aviation fuels under this Regulation. To ensure consistency with other related EU policies, the eligibility of sustainable aviation fuels should be determined according to compliance with the sustainability criteria established in Article 29 of Directive 2018/2001⁵.~~

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=fr>

- (19) The present Regulation should aim to ensure that aircraft operators can compete on the basis of equal opportunities as regards the access to sustainable aviation fuels. To avoid any distortions on the air services market, all Union airports covered by this Regulation should be supplied with uniform minimum shares of sustainable aviation fuels. Whereas the market is free to supply and use larger quantities of sustainable fuel, this Regulation should ensure that the mandatory minimum shares of sustainable aviation fuels are the same across all the covered airports. ~~It supersedes any requirements established directly or indirectly at national or regional level requiring aircraft operators or aviation fuel suppliers to uptake or supply sustainable aviation fuels with different targets than the ones prescribed under this Regulation.~~

In order to create a clear and predictable legal framework and in doing so encourage the market development and deployment of the most sustainable and innovative with growth potential to meet future needs fuel technologies, this Regulation should set out gradually increasing minimum shares of **SAF, including of** synthetic aviation fuels over time. Setting out a dedicated sub-obligation on synthetic aviation fuels is necessary in view of the significant decarbonisation potential of such fuels, and in view of their current estimated production costs. When produced from renewable electricity and carbon captured directly from the air, synthetic aviation fuels can achieve as high as 100% emissions savings compared to conventional aviation fuel. They also have notable advantages compared to other types of ~~sustainable aviation fuels~~ **SAF** with regards to resource efficiency (in particular for water needs) of the production process. However, synthetic aviation fuels' production costs are currently estimated at 3 to 6 times higher than the market price of conventional aviation fuel. Therefore, this Regulation should establish a dedicated sub-obligation for this technology. ~~Other types of synthetic fuels, such as low carbon synthetic fuels achieving high greenhouse gas reductions, could be considered for inclusion in the scope of this Regulation in the course of future revisions, where such fuels become defined under the Renewable Energy Directive.~~

(19a) While ensuring the achievement of these EU harmonised requirements on SAF supply, Member States may pursue supportive policies and initiatives aiming at increasing the level of SAF production and uptake, including synthetic aviation fuels. These should be transparent, non-discriminatory, proportionate and of a general nature open to all enterprises.

The provisions of this Regulation should not prevent Member States from implementing dedicated measures outside the scope of this Regulation aiming at facilitating the use of SAF or decarbonising the sector.

(19b) In the absence of a clear set of common methodology, criteria and indicators adequately certified, reported and monitored, aircraft operators claim today levels of emissions performance of their flights that are not comparable between them. Passengers need to trust the information from aircraft operators regarding the sustainability of fuel they use and the sustainability of their flight to make informed choices when comparing different flight options both direct and indirect flights from different operators.

In order for consumers to be able to make an informed choice, more robust, reliable, independent and harmonised information is needed on the environmental impact of flights. Therefore, it is necessary to set up the criteria and indicators used to communicate the level of flight emissions under a voluntary common European environmental label. It should be possible to update them easily to keep up with technological changes and international and European standards.

Since some of the necessary data to calculate the level and quality of SAF used and other criteria to measure the sustainable performance of a flight may be commercially sensitive, it is equally necessary that an independent body centralizes the reports from the aircraft operators, monitors their data, certifies their accuracy and deliver the label at the appropriate level. The data provided by aircraft operators are by their nature dynamic so they should be subject to periodical (e.g. at the end of each IATA season) control and validation. Whenever necessary the data would be based on estimations like regarding the average load factor for a given flight in a given route during a given season.

Considering that the European Union Aviation Safety Agency (the ‘Agency’) is in charge of the monitoring and reporting obligations under this Regulation, it is appropriate that the Agency is the European body in charge of the implementation of the label.

It is therefore appropriate to provide the conditions for the issuance of a label to measure the environmental performance of aviation and, in order to ensure compliance with those conditions, to require the Agency to review them periodically.

- (20) ~~It is essential to ensure that the minimum shares of sustainable aviation fuels can be successfully supplied to the aviation market without supply shortages. For this purpose, sufficient lead-time should be planned to allow the renewable fuels industry to develop production capacity accordingly. The supply of sustainable aviation fuels should become mandatory starting in 2025. Similarly, in order to provide legal certainty and predictability to the market and drive investments durably towards sustainable aviation fuels production capacity, the terms of this Regulation should be stable over a long period of time.~~
- (21) With the introduction and ramp-up of sustainable aviation fuels **SAF** at Union airports, practices of fuel tankering may be exacerbated as a consequence of aviation fuel costs increases. Tankering practices are ~~unsustainable~~ **unsustainable** and should be avoided as they undermine the Union’s efforts to reduce environmental impacts from transport. Those would be contrary to the aviation decarbonisation objectives as increased aircraft weight would increase fuel consumption and related emissions on a given flight. Tankering practices also put at risk the level playing field in the Union between aircraft operators, and also between airports. This Regulation should therefore require aircraft operators to refuel prior to departure from a given Union airport. The amount of fuel uplifted prior to departures from a given Union airport should be commensurate with the amount of fuel necessary to operate the flights departing from that airport, ~~taking into account the necessary compliance with fuel safety rules.~~ The requirement ensures that equal conditions for operations in the Union applying equally to Union and foreign operators, while ensuring high level of environmental protection. As the Regulation does not define a maximum share of sustainable aviation fuels **SAF** in all aviation fuels, ~~airlines and~~ **aircraft operators and aviation** fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels **SAF** uptake and supply in their overall network of operations, while avoiding fuel tankering.

Nevertheless, this Regulation should also take into account the fact that fuel tankering at times occurs in order to comply with fuel safety rules in line with Commission Regulation 965/2012¹ and in such cases is justified by safety reasons. This may include for example cases of fuel shortage or fuel contamination at the destination airport confirmed by a Notice to Airmen or Notice to Air Missions (NOTAM). Furthermore, fuel tankering can be the consequence of specific operational difficulties for some aircraft operators at some airports, inter alia in terms of disproportionate longer turnaround time for aircraft or reduced airport capacity at peak times. The Commission with the Agency should therefore closely monitor, evaluate and analyse reported cases of fuel tankering and their underlying reasons and, if appropriate, come forward with legislative proposals to amend this Regulation. This is without prejudice of the Commission's and the Member States competition authorities' power under Articles 101 and 102 of the Treaty to investigate and sanction anticompetitive behaviour by actors on the market to protect the proper functioning of the market for sustainable aviation fuels, in particular, where information contained in the Union Database and other data reported to the competent authorities reveal anticompetitive practices.

(21a) However, this Regulation should provide for the possibility to exempt for a limited period of time aircraft operators from the obligation to refuel prior to departure on specific routes departing from Union airports in case those operators can demonstrate serious and recurrent operational difficulties in refuelling aircrafts at a given Union airport preventing them from performing turnaround flights within a reasonable time, which might have an impact on connectivity especially of peripheral regions, or structural fuel supply difficulties leading to significantly higher prices of fuels compared to prices applied on average to similar types of fuels in other Union airports. The significantly higher prices at the given airport in question should not primarily be the result of the higher use of SAF at that airport.

¹ *Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p1)*

(21ab) The further uptake of SAF, that typically have lower aromatic concentrations and lower sulphur content, will contribute to reducing the non-CO2 climate impacts. A further reduction of the aromatic and sulphur content in aviation fuels could reduce contrail cirrus formation, improve air quality in and around airports, and increase the quality of the fuel for the benefit of airlines, both through high energy density and lower maintenance costs due to lower soot levels. Furthermore, interdependencies between CO2 and non-CO2 emissions should be considered. However, reducing the aromatic concentrations in aviation fuels needs to be done while adhering to international fuel safety rules and preserving an international level playing field. Therefore, aviation fuel suppliers should report to the Agency and the relevant competent authorities the aromatics, naphthalene and sulphur content of the aviation fuels supplied. When reporting such information, aviation fuel suppliers could rely on relevant certificates on fuel quality produced to meet the requirements of international fuel quality standards provided by fuels producers and blenders.

(21b) In addition to its climate change effects, conventional aviation fuels also negatively impact air quality. Increased uptake of SAF can play a role in improving air quality.

- (22) ~~Airports~~*It is important to ensure that Union airport managing body* covered by this Regulation should ensure that ~~all~~*take* the necessary infrastructure is provided for delivery, storage and refuelling of sustainable ~~measures to facilitate the access of aircraft operators to~~ *aviation fuels containing SAF*, so as not to constitute an obstacle with respect to the uptake of such sustainable aviation fuel *SAF*. If necessary, the ~~Agency~~*competent authorities of the Member State where the airport is located*, should be able to require ~~at~~ the Union airport *managing body* to provide *necessary* information on the ~~infrastructure available~~ *allowing compliance with this Regulation* for seamless distribution and refuelling of aircraft operators with sustainable aviation fuels *SAF*. The role of the ~~Agency~~*competent authorities* should allow ~~airports and airlines~~*the Union airport managing body and aircraft operators* to have a common focal point, in the event where technical clarification is necessary on the availability of fuel infrastructure. *When electric or hydrogen-powered aircrafts become mature and commercially available and where appropriate, it will be necessary that Union airport managing bodies, aviation fuel suppliers and fuel handlers, covered by this Regulation take all necessary measures to cooperate and facilitate access to the appropriate infrastructure for hydrogen and electric recharging for aircrafts, in accordance with the respective national deployment plan for alternative fuels infrastructure where relevant.*
- (22a) *Many Union airports are supplied with aviation fuels principally via pipelines from refineries or SAF blending stations. It is therefore essential that the parties in charge of such pipelines cooperate and take all necessary measures to allow the continued and uninterrupted access of aviation fuel suppliers to civil transport aviation fuels infrastructure to supply both conventional aviation fuels and aviation fuels containing shares of SAF.*
- (23) Aircraft operators should be required to report yearly to the *competent authorities and the Agency* on their purchases of sustainable aviation fuel *SAF*, as well as on the ~~characteristics~~*attributes* of this fuel. Information should be provided on the characteristics of ~~the sustainable aviation fuels purchased such as inter alia nature and origin of the feedstock, conversion pathway~~*process* and lifecycle emissions *for each purchase and type of SAF*.

- (24) Aircraft operators should also be required to report yearly on their actual aviation fuel uplift per Union airport, ***including for compliance with applicable fuel safety rules***, so as to prove that no ***unjustified*** fuel tankering was performed. Reports should be verified by independent verifiers and transmitted to the ***competent authorities and to the*** Agency for monitoring and assessment of compliance. ***Independent*** verifiers should determine the accuracy of the yearly aviation fuel required reported by the operators using a tool approved by the Commission.
- (25) ***Without prejudice to the data recorded by aviation fuel suppliers in accordance with Article 28 of Directive (EU) 2018/2001 and Article 18 of Commission Implementing Regulation (EU) 2022/996²***, aviation fuel suppliers should be required to report yearly in the Union database referred to in Article 28 of Directive (EU) 2018/2001, on their supply of aviation fuel, including sustainable aviation fuels. ~~The Agency should report on a yearly basis to the Commission on the fulfilment by aircraft operators and aviation fuel suppliers of their respective obligations~~***SAF and its attributes. Information should be provided on the characteristics and origin of the feedstock, conversion processes and lifecycle emissions of supplied SAF. Information on characteristics of SAF includes the type of product and raw materials used and other sustainability characteristics required for demonstrating compliance of SAF with the sustainability criteria under this Regulation***~~Directive (EU) 2008/2001.~~
- (25a) ***Member States should designate a competent authority or authorities responsible for enforcing the application of this Regulation upon aircraft operators, Union airports managing bodies and aviation fuel suppliers. This Regulation should define the rules for the attribution of aircraft operators, Union airport managing bodies and aviation fuel suppliers to competent authorities. The Agency should send to the competent authorities data aggregated for the aircraft operators and aviation fuels suppliers for which these authorities are competent. To the extent possible, the level of aggregation should allow for comparison with other data sources by the competent authorities.***

² ***COMMISSION IMPLEMENTING REGULATION (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria***

- (25b) *The Agency should draw a technical report on a yearly basis and forward it to the Council and the European Parliament. This is important in particular to have clear visibility on the implementation of the Regulation, the purchase and supply of SAF in the Union and the relevant third countries, the state of market including information on the evolution of the price gap between SAF and fossil fuels and the composition of aviation fuel.***
- (26) *It is not possible without additional procedures to determine accurately whether aircraft operators have actually physically uplifted shares of sustainable aviation fuels SAF in their tanks at a specific Union airports. Therefore, aircraft operators should be allowed to report their use of sustainable aviation fuels SAF based on purchasing records. Aircraft operators should be entitled to receive from the aviation fuel supplier the information that is necessary to report the sustainable SAF purchase. The purpose of using a mass balance approach is to ensure traceability of the fuels and aviation fuel purchases suppliers may demonstrate compliance with this Regulation by using such a mass balance system as referred to in Article 30 of Directive (EU) 2018/2001, including when such systems are shared between two or more Member States.***
- (26a) *The introduction in the Union of a mandate on the uptake of SAF could lead to an undue competitive disadvantage for EU airlines operating direct long-haul flights from a Union airport in comparison with their competitors connecting via an airport hub outside the scope of application of this Regulation without equivalent SAF policies. In order to further promote the uptake of SAF in the Union, for which prices are projected to have a substantial price difference compared to conventional fuel in the foreseeable future, aircraft operators should be able to claim allowances for the uplifting of SAF in accordance with the EU ETS.***

- (27) *In order to promote the uptake of SAF that are projected to have a substantial price difference compared with conventional fuels*, it is essential that aircraft operators can claim the use of ~~sustainable aviation fuels~~ **SAF** under greenhouse gas schemes such as the EU Emissions Trading System ~~ETS~~ or CORSIA, ~~depending on the route of their flights~~ *at their own discretion*. However, it is essential that this Regulation should not lead to a double counting of emissions reductions. Aircraft operators should ~~only be allowed to~~ *not* claim benefits for the use of ~~an identical~~ *a* batch of ~~sustainable aviation fuels~~ **SAF** *under more than one greenhouse gas scheme*. Aviation fuel suppliers should be requested to provide free of charge to aircraft operators any information pertaining to the properties of the ~~sustainable aviation fuel~~ **SAF** sold to that aircraft operator and that is relevant for reporting purposes by the aircraft operator under this Regulation or greenhouse gas schemes.
- (28) In order to ensure a level playing field of the aviation internal market and the adherence to the climate ambitions of the Union, this Regulation should introduce effective, proportionate and dissuasive penalties on aviation fuel suppliers and aircraft operators in case of non-compliance. The level of the penalties needs to be proportionate to the environmental damage and to the prejudice to the level-playing field of the internal market inflicted by the non-compliance. When imposing *finer and other penalties* ~~administrative fines~~, the authorities should take into account the evolution of the price of aviation fuel and ~~sustainable aviation fuel~~ **SAF** in the reporting year; *and may also take into account the degree of non-compliance, for example in the case of repeated infringements*.
- (28a) *The transition from fossil fuels to SAF will play a considerable role in facilitating decarbonisation. However, considering the current lack of a EU market of SAF, the high level of competition between aircraft operators and the important price differential between fossil kerosene and SAF, this transition should be supported through incentives that reflect the environmental benefit of SAF and make them more competitive for aircraft operators. Using revenues generated from the fines, or the equivalent in financial value of those revenues, to support research and innovation projects in the field of SAF, the production of SAF or mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels would contribute to that objective.*

- (29) ~~The penalties for the~~ ***finances liable on the aviation fuel*** suppliers who fail to meet the targets set in this Regulation should be complemented by the obligation to supply the market with the ***quantities of SAF, including synthetic aviation fuels corresponding to the*** shortfall of meeting the ***obligations set out in Article 4 and Annex I—quota*** in the subsequent ~~year~~ ***reporting period. Nevertheless, aviation fuels suppliers should have flexibility in reaching the obligations with respect to the supply of synthetic aviation fuels and the related shortfall obligation in a transitional period between 2030 and 2034, when this obligation enters into force for the first time, in order to facilitate the transition and achievement of the targets.***
- (29a) ***It is essential to ensure that the minimum shares of SAF can be successfully supplied to the aviation market without supply shortages. For this purpose, a flexibility mechanism should be planned and put in place to allow a lead-time of 10 years for the SAF industry to develop production and supply capacity accordingly and to allow aviation fuel suppliers to meet their obligations in the most cost-effective way, without reducing the overall environmental ambitions of this Regulation, as well as to allow, Union airports managing bodies, aviation fuel suppliers and aircraft operators to make the necessary technological and logistical investments. The supply of SAF should start in 2025, with the flexibility provided for in the SAF flexibility mechanism. During this phase, aviation fuel suppliers may supply aviation fuel containing higher shares of SAF in certain airports to compensate for aviation fuels with lower shares of SAF in other airports or for the reduced availability of conventional aviation fuel at other airports. Similarly, in order to provide legal certainty and predictability to the market and drive investments durably towards SAF production capacity, the terms of this Regulation should be stable over a long period of time.***

- (29b) The successful transition to SAF requires an integrated approach and the appropriate enabling environment to stimulate innovation, involving both public and private investment in research and development and support for the redeployment, re-skilling and up-skilling of workers, as well as technological and operational measures, and the deployment of sustainable aviation fuels and of zero-emission technologies, including the necessary refuelling and recharging infrastructure in airports, taking into account the energy efficiency first principle. For this purpose, the revenues generated by the fines under this Regulation should be allocated to SAF projects. Furthermore, the setting up of a European Industrial Alliance through a voluntary collaboration of stakeholders in the value chain aims to further foster SAF supply and uptake in Europe.*
- (29c) Research and innovation have played a substantial role in the development of SAF and synthetic aviation fuels and the production capacity building. The development and production of SAF should exponentially increase in the coming years. It is therefore important to continue these efforts and facilitate investment in SAF.*
- Investment into SAF capacity projects present both an environmental and an industrial opportunity, with spillover effects in terms of job creation and innovation.*
- (29d) In order to increase the environmental effectiveness of Union measures and to facilitate aviation fuel suppliers to meet their SAF supply obligations and the uplift of SAF by aircraft operators in a cost-effective way and hence to strengthen the competitiveness of the European aviation sector, the Commission should, after consulting all relevant stakeholders, assess whether further measures should be taken to facilitate the cost-effective distribution and use of SAF in the Union market by separating the purchase of SAF from its physical delivery and use. This could be done, inter alia, by assessing the feasibility of setting-up a system of tradable SAF supply and purchase certificates, with elements of a book and claim scheme, while guaranteeing a level playing field and a high level of environmental integrity, ensuring consistency with other Union legislation, including Directive 2009/28/EC and Directive 2003/87/EC, as well as minimising the risk of fraud, irregularities or double claiming. In its analysis, the Commission should take into consideration all relevant global trends and initiatives, as well as the potential impact that such a system could have on the functioning of the market, including with regards to any market volatility, price evolution or trading behaviour of market participants.*

- (30) This Regulation should include provisions for periodic reports to the European Parliament and the Council on the evolution of the aviation and fuels markets, ***on the implementation of this Regulation and its impacts on the aviation internal market of the Union, on connectivity for islands and remote territories and on the competitiveness of European air carriers and airport hubs vis-à-vis their competitors in neighbouring countries***, the effectiveness of key features of the Regulation such as the minimum shares of ~~sustainable aviation fuels~~ SAF, the level of ~~administrative~~ fines or policy developments on ~~sustainable aviation fuels~~ SAF uptake at international level. Such elements are key to provide a clear state of play of the ~~sustainable aviation fuels~~ SAF market and should be taken into account when considering a revision of the Regulation. ***The Commission's reports should also refer to the interaction of this Regulation with other relevant legislative acts, identifying provisions that may be updated and simplified, as well as actions and measures that have been or could be taken to reduce the total cost pressure on the aviation sector.***

In those reports, the Commission should consider options for amendments, where appropriate, including mechanisms to support the production and use of SAF as well as mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels in order to limit the adverse impacts of this Regulation on air connectivity and competition and to mitigate carbon leakage.

The requirement laid down by this Regulation to ensure that a minimum share of SAF is made available at each Union airport could incentivise aircraft operators operating connecting flights departing from Union airports with a final destination outside the Union to transit via non-EU hub airports which are not subject to that requirement rather than via EU hubs. This could lead to distortions of competition at the expense of Union airports and operators using such airports and to a risk of carbon leakage. In the absence of a mandatory scheme on the use of SAF for international flights at ICAO level or in comprehensive multilateral or bilateral air transport agreements between the EU and/or its Member States and third countries with a similar level of ambition in comparison with the requirements outlined in this Regulation and the objectives of the Paris Agreement or of mechanisms developed at international level to prevent the risk of carbon leakage and of distortion of competition, the Commission should in particular consider the development of targeted mechanisms aiming at preventing those effects.

~~(31) A transitional period of 5 years should be provided to allow for a reasonable amount of time for aviation fuel suppliers, Union airports and aircraft operators to make the necessary technological and logistical investments. During this phase, aviation fuel containing higher shares of sustainable aviation fuel may be used to compensate for lower shares of sustainable aviation fuels or for the reduced availability of conventional aviation fuel at other airports.~~

(31a) In order to ensure uniform conditions for the implementation of Article 5(2) and 12a, implementing powers should be conferred on the Commission with respect to the exemptions of the obligation to refuel prior departure that may be granted to aircraft operators and to establish the detailed provisions and technical standards for the functioning of the labelling system.

(31b) The transition to SAF will also have the secondary effect of reducing dependence on fossil fuel imports from third countries, thus increasing the Union's energy security. The need for this move is only accentuated by the current international political situation.

(32) Since the objective of this Regulation, namely to maintain a level playing field on the Union air transport market while increasing the use of ~~sustainable aviation fuels~~ SAF, cannot be sufficiently achieved by the Member States due to the cross-border nature of aviation, but can rather, by reason of the characteristics of the market and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down harmonised rules on the uptake and supply of sustainable aviation fuels.

Article 2

Scope

1. This Regulation shall apply to aircraft operators, Union airports *and their respective Union airport managing bodies*, and to aviation fuel suppliers.

Without prejudice to paragraph 3, this Regulation shall apply only to commercial air transport flights.

2. *A Member State may decide, after consulting the airport managing body, that an airport not covered by Article 3, point 1), located on its territory, is to be treated as a Union airport for the purposes of this Regulation, provided that the requirements laid down in Article 6(1) are fulfilled by the time of the Member State decision.*

An airport managing body for an airport located on the territory of a Member State not covered by Article 3, point 1), may request for that airport to be treated as a Union airport for the purposes of this Regulation, provided that it fulfils the requirements laid down in Article 6(1) by the time of that request. That airport managing body shall notify the Member State, whose authority or authorities are responsible for the airport under Article 10(4), of that request, with a confirmation that it fulfils requirements laid down in Article 6(1).

The Member State concerned shall notify its decision pursuant to the first subparagraph of this paragraph to the Commission and the European Union Aviation Safety Agency (the 'Agency') at least six months before the beginning of the reporting period as from which that decision enters into force. The Member State decision shall be accompanied by a reasoned opinion showing that it is based on proportionate and non-discriminatory criteria, among airports sharing similar competitive characteristics.

3. *A person operating commercial air transport flights that is not covered by Article 3, point (3), or a person operating flights other than commercial air transport flights within the meaning of Article 3, point (4), may decide to be treated as an aircraft operator for the purposes of this Regulation and/or that its non-commercial air transport flights be covered by this Regulation. That person shall notify the Member State, whose authority or authorities are responsible for it under Article 10(3), of that decision. That Member State shall notify that decision to the Commission and the Agency at least six months before the beginning of the reporting period as from which that decision enters into force.*
4. *On the basis of information received pursuant to paragraphs 2 and 3, the Commission shall provide an updated and consolidated list of the Union airports and aircraft operators concerned which shall be easily accessible.*

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

1. 'Union airport' means an airport as defined in Article ~~2(2)~~**2(1)** of Directive 2009/12/EC of the European Parliament and of the Council³, where passenger traffic was higher than ~~1 million~~**800000** passengers or where the freight traffic was higher than 100000 tons in the *previous* reporting period, and *that* is not situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union;

³ Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges

2. *'Union airport managing body' means in respect of a Union airport, the 'airport managing body' as defined in Article 2(2) of Directive 2009/12/EC or, in case the Member State concerned has reserved the management of the centralized infrastructures for fuel distribution systems to another body pursuant to Article 8(1) of Directive 96/67/EC, that other body.*
3. 'aircraft operator' means a person that operated at least—~~729~~ **500 commercial passenger air transport flights, or 52 commercial all-cargo air transport flights** departing from Union airports in the *previous* reporting period or, where that person may not be identified, the owner of the aircraft;
4. 'commercial air transport flight' means a flight operated for the purposes of transport of passengers, cargo or mail for remuneration or hire, ~~or~~ **including a business aviation flight** ~~flight operated for commercial purposes;~~
- 4a *'Route' means a journey carried out in a flight, having regard to the places of departure and destination of that flight.*
5. 'aviation fuel' means ~~the~~ **drop-in** fuel manufactured for direct use by aircraft;
- 5a. 'sustainable aviation fuels' ('SAF') means ~~drop-in~~ aviation fuels that are either: (a) synthetic aviation fuels, advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001, or biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, which comply with the sustainability and greenhouse gas emissions criteria laid down in Article 29(2) to (7) of that Directive and are certified in accordance with Article 30 of this Directive; (b) **aviation biofuels, or (c) recycled carbon aviation fuels;**

- 5b.** *'aviation biofuels'* means aviation fuels that are either: (a) advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001, (b) biofuels produced from the feedstock listed in Part B of Annex IX to that directive, or (c) other biofuels as defined in Article 2, second paragraph, point 33 of that directive, with the exception of biofuels produced from 'food and feed crops' as defined in Article 2, second paragraph, point 40 of that directive, and which comply with the sustainability and lifecycle emissions savings criteria laid down in Article 29 of that directive and are certified in compliance with Article 30 of that directive;
- 5c.** *'recycled carbon aviation fuels'* means aviation fuels that are recycled carbon fuels as defined in Article 2, second paragraph, point 35 of Directive (EU) 2018/2001, which comply with the lifecycle emissions savings threshold referred to in Article 25(2), second subparagraph of that directive and are certified in compliance with Article 30 of that directive;
- 7.** 'batch' means a quantity of ~~sustainable aviation fuels~~ **SAF** that can be identified with a number and can be traced;
- 8.** 'lifecycle emissions' means carbon dioxide equivalent emissions of ~~sustainable aviation fuels~~ **SAF** that take into account carbon dioxide equivalent emissions of energy production, transport, distribution and use on-board, including during combustion, calculated in accordance with ~~Article~~ *the methodologies set out in Articles 28(5) or 31 of Directive (EU) 2018/2001 or pursuant to relevant Union legislation;*
- 8a.** 'synthetic aviation fuels' means *aviation* fuels that are renewable fuels of non-biological origin, as defined in Article 2, second paragraph, point 36 of Directive (EU) 2018/2001, ~~used in aviation~~ *which comply with the lifecycle emissions savings threshold referred to in Article 25(2), first subparagraph of that directive and are certified in compliance with Article 30 of that directive;*

- 8b. 'synthetic low-carbon aviation fuels' means aviation fuels that are of non-biological origin, the energy content of which is derived from non-fossil low-carbon hydrogen, which meet lifecycle emissions savings threshold of 70% and the methodologies for assessing such lifecycle emissions savings pursuant to relevant Union legislation;*
9. 'conventional aviation fuels' means *aviation* fuels produced from fossil non-renewable sources of hydrocarbon fuels, used in ~~aviation~~ *aircraft*;
- 11a. 'low-carbon hydrogen for aviation' means hydrogen for use in aircraft the energy content of which is derived from non-fossil non-renewable sources, which meets a lifecycle emissions savings threshold of 70% and the methodologies for assessing such lifecycle emissions savings pursuant to relevant Union legislation;*
- 11b. 'renewable hydrogen for aviation' means hydrogen for use in aircraft that qualifies as a renewable fuel of non-biological origin, as defined in Article 2, second paragraph, point 36 of Directive (EU) 2018/2001, and which complies with the lifecycle emissions savings threshold referred to in Article 25(2), first subparagraph of that directive and is certified in compliance with Article 30 of that directive;*
- 11c. 'hydrogen for aviation' means renewable hydrogen for aviation or low-carbon hydrogen for aviation.*
- 11d. 'low-carbon aviation fuels' means synthetic low-carbon aviation fuels or low-carbon hydrogen for aviation;*
14. 'aviation fuel supplier' means a fuel supplier as defined in Article 2, second paragraph, point 38 of Directive (EU) 2018/2001, supplying aviation fuel *or hydrogen for aviation* at a Union airport;
- 15. 'fuel handler' means a supplier of ground-handling services that organises and executes fuelling and defuelling operations, including the storage of fuel and the control of the quality and quantity of fuel deliveries, to aircraft operators at Union airports, as referred to in Annex of Directive 96/67/EC;*

16. *'principal place of business'* means the head office or registered office of an aviation fuel supplier in the Member State within which the principal financial and operational control of the aviation fuel supplier is exercised;
17. 'reporting year' means a period of one year in which the reports referred to in Articles 7 and 9 are to be submitted starting 1 January and ending 31 December;
18. 'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year;
19. 'yearly aviation fuel required' means the amount of aviation fuel *referred to as 'trip fuel' and 'taxi fuel' in Annex IV to Commission Regulation 965/2012⁴* that is necessary to operate the totality of ~~commercial air transport flights~~ *flights covered by this Regulation* operated by an aircraft operator, departing from a given Union airport, over the course of a reporting period;
20. 'yearly non-tanked quantity' means the difference between the yearly aviation fuel required and the actual fuel uplifted by an aircraft operator prior to flights *covered by this Regulation* departing from a given Union airport, over the course of a reporting period;
21. 'total yearly non-tanked quantity' means the sum of the yearly non-tanked quantities by an aircraft operator at all Union airports over the course of a reporting period;
22. 'greenhouse gas scheme' means a scheme granting benefits to aircraft operators for the use of ~~sustainable aviation fuels~~ *SAF*.

⁴ *Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).*

Article 4

Share of sustainable aviation fuel SAF available at Union airports

1. ***Without prejudice to Article 13***, aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators at each Union airport contains a minimum share of sustainable aviation fuel SAF, including a minimum share of synthetic aviation fuel in accordance with the values and dates of application set out in Annex I. ***Without prejudice to these minimum shares, aviation fuel suppliers shall also ensure that all aviation fuel made available to aircraft operators at each Union airport over the periods from 1 January 2030 until 31 December 2031 and from 1 January 2032 until 31 December 3034 contains at least the average share of synthetic aviation fuels in accordance with the values set out in Annex I.***

This obligation shall also be deemed to be met where the minimum shares mentioned in the previous sub-paragraph are reached using:

- a) ***renewable hydrogen for aviation.***
- b) ***low-carbon aviation fuels.***

For the purpose of the calculation of the minimum shares in Annex I, when hydrogen for aviation is made available to aircraft operators at Union airport, the values regarding the energy content of all relevant fuels shall be used in accordance with Article 27(1)(c) and Annex III of Directive (EU) 2018/2001 or relevant international aviation standards regarding fuels not included in that Annex.

In that case, the energy content of hydrogen for aviation supplied shall be taken into account both in the numerator and in the denominator when calculating the minimum shares in Annex I.

Where an aviation fuel supplier makes use of the possibility laid down in the second subparagraph or where an aircraft operator uplifts fuels referred to in that point, references to SAF in Article 9(b) and (c) shall be construed as referring also to synthetic low-carbon aviation fuels.

Where an aviation fuel supplier makes use of the possibility laid down in the second subparagraph or where an aircraft operator uplifts fuels referred to in that point, references to SAF in Articles 3(7), 3(8), 3(22), 7, 8, 11(4a), 11(5), 12(a), 12(b), 12(f), 12a, 13(1) and Annex II shall be construed as referring also to low-carbon aviation fuels and to renewable hydrogen for aviation.

2. *For each reporting period, aviation biofuels other than advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001 and other than biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, supplied across Union airports by each aviation fuel supplier, shall account for a maximum of 3% of aviation fuels supplied for the purposes of complying with the minimum shares referred to in paragraph 1 and Annex I.*

2a. *SAF produced from the following feedstocks shall be excluded from the calculation of the minimum share of SAF set out in Annex I:*

- Sustainable aviation fuels made from food and feed crops as defined in Article 2, second paragraph, point 40 of Directive (EU) 2018/2001, intermediate crops, palm fatty acid distillate and palm and soy-derived materials, and soap stock and its derivatives.

However, the exclusion in the first subparagraph shall not apply to any feedstock that is included in Annex IX to Directive (EU) 2018/2001, under the conditions set in that Annex.

5. *Aviation fuel suppliers may demonstrate compliance with the obligation contained in paragraph 1 by using the mass balance system referred to in Article 30 of Directive (EU) 2018/2001.*
6. Without prejudice to the application of Article 11(3) and (4), where an aviation fuel supplier fails to supply the minimum shares set out in Annex I for a given reporting period, it shall at least complement that shortfall in the subsequent reporting period. *Exceptionally, regarding synthetic aviation fuels over the periods from 1 January 2030 until 31 December 2031 and from 1 January 2032 until 31 December 2034, where an aviation fuel supplier fails to supply the average share of synthetic aviation fuel over the period from 1 January 2030 until 31 December 2031, it shall at least complement that shortfall before the end of the period from 1 January 2032 until 31 December 2034, and where an aviation fuel supplier fails to supply the average share of synthetic aviation fuel over the period from 1 January 2032 until 31 December 2034, it shall at least complement that shortfall in the subsequent reporting period.*

Article 5

Refuelling obligation for aircraft operators

1. The yearly quantity of aviation fuel uplifted by a given aircraft operator at a given Union airport shall be at least 90% of the yearly aviation fuel required.
- 1a. *An aircraft operator may fall below the threshold in paragraph 1 where necessary for reasons of compliance with applicable fuel safety rules. In such cases, the aircraft operator concerned shall provide the competent authority referred to in Article 10(4) and the Agency with due justification, including an indication of the routes impacted. This information shall be included in the report under Article 7. The associated fuel quantities shall be reported separately in accordance with Article 7.*

2. *An aircraft operator may, when duly justified, request the competent authority referred to in Article 10(4) that the flights on a specific existing or new route of less than 850 kilometers, or 1200 kilometers for routes connecting with airports situated on islands without rail or road connections, departing from a Union airport be temporarily and exceptionally exempted from the obligation laid down in paragraph 1 of this Article. That distance shall be measured by the great circle route method.*

Such request shall be made at least three months before the envisaged date of application of the exemption, supported by a detailed and adequate justification. Such exemption should be limited to the following situations:

a) serious and recurrent operational difficulties in refuelling aircrafts at the given Union airport preventing them from performing turnarounds within a reasonable time or

b) structural fuel supply difficulties stemming from the geographic characteristics of a given Union airport, leading to significantly higher prices of fuels compared to prices applied on average to similar types of fuels in other Union airports due in particular to specific fuel transport constraints or to limited availability of fuels at that airport and placing the operator concerned at a significant competitive disadvantage compared to market conditions existing in other Union airports with similar competitive characteristics.

The competent authority shall assess that request and, in light of the justification provided, it may ask for complementary information.

The competent authority shall take a decision on that request without undue delay at the latest one month before the date of application of the envisaged exemption. In case the competent authority asks for complementary information pursuant to the third subparagraph of this paragraph, the deadline for the competent authority to take a decision shall be suspended until complete information is provided by the aircraft operator.

The exemption granted shall have a limited period of validity, not exceeding one year, after which it shall be reviewed upon request of the aircraft operator.

The competent authority shall take an explicit decision to accept or reject any first request for exemption submitted pursuant to this paragraph. Failure to adopt such a decision within the time limit laid down in the [fourth] subparagraph of this paragraph shall not be deemed as an implicit decision of authorisation to apply the requested exemption. Failure to adopt a decision relating to a request for the renewal of an existing exemption, provided that such request is supported by a detailed and adequate justification, at the latest one month before the date of the envisaged renewal shall be deemed as an implicit decision of authorisation to continue applying the requested exemption.

The aircraft operator shall have the right to appeal a decision of the competent authority rejecting the request for exemption.

The competent authority shall notify the list of authorised and rejected exemptions to the Commission, with justification for its decision and underlying assessment. The Commission shall publish the list of authorised exemptions and update that list at least once a year.

3. *Following a written complaint submitted by a Member State, an aircraft operator, the managing body of the Union airport concerned, an aviation fuel supplier or on its own initiative, the Commission may, after assessing the justification provided for the exemption granted pursuant to paragraph 2 in the light of the criteria set out in the second subparagraph of paragraph 2, by means of a decision adopted in accordance with Article 13a(2) [advisory procedure], request the competent authority to adopt a decision repealing that exemption from the beginning of the next scheduling period within the meaning of Article 2, point (d) of Regulation (EEC) No 95/93. When this scheduling period starts less than two months after the publication of the decision, the decision repealing the exemption shall start applying from the beginning of the following scheduling period.*

In order to carry out its duties under this paragraph the Commission may request all necessary information from Member States and aircraft operators. Member States and aircraft operators shall provide such information without undue delay. Member States shall facilitate the provision of information by aircraft operators.

4. *The Commission shall by 1 September 2024 adopt guidelines on the application of this exemptions, including elements that an aircraft operator needs to provide in order to justify the reasons set out in the previous subparagraph.*

Article 6

Obligations of Union airports to provide the infrastructure airport managing body to facilitate the access to SAF

1. *The Union airports airport managing body shall take all necessary measures to facilitate the access of aircraft operators to aviation fuels containing minimum shares of sustainable aviation fuels SAF in accordance with Annex I and, shall provide the infrastructure necessary for the delivery, storage and unloading of such fuels. this Regulation.*

2. Where aircraft operators report difficulties to the ~~European Union Aviation Safety Agency~~ (~~‘the Agency’~~) in ~~accessing~~ **competent authority in accessing, at a given Union airport,** aviation fuels containing sustainable aviation fuels at a given Union airport for lack of adequate airport infrastructure, ~~the Agency may~~ **minimum shares of SAF in accordance with this Regulation, the competent authority shall** request the Union airport **managing body**, to provide the information necessary to prove compliance with— paragraph 1. The Union airport **managing body** concerned shall provide the information **to the competent authority** without undue delay.
3. The ~~Agency~~ **competent authority** shall assess **all** the information received ~~and~~ **under paragraph 2. The competent authority shall** inform the Commission if such information allows to conclude ~~and the Agency if it concluded~~ that the Union airport does not fulfil **managing body fulfils** its obligations **under paragraph 1. In case of non-compliance, the competent authority**. ~~Union airports shall take the necessary measures~~ **request the Union airport managing body** to identify and **take the necessary measures to** address the lack of adequate airport infrastructure in 5 years after the entry into force of the Regulation or after the year when they exceed one ~~access of aircraft operators to aviation fuels containing minimum shares of SAF without undue delay, and in any case no later than 3 years after the request~~ of the thresholds in Article 3(a) **competent authority pursuant to paragraph 2.**
4. **For the purpose of paragraphs 2 and 3, where appropriate, aviation fuel suppliers, fuel handlers, aircraft operators and any other party concerned by the reported difficulties, shall provide without undue delay all the necessary information to the Union airport managing body upon request and cooperate with the Union airport managing body in identifying and taking the necessary measures to address the reported difficulties.**
5. **The competent authority shall transmit without undue delay all the relevant information provided under paragraphs 2 and 3 to the Agency for the purpose of establishing the technical report referred to in Article 12.**

Article 6a

Promoting hydrogen and electricity supply at the Union airports

- 1. Union airport managing bodies, aviation fuel suppliers and fuel handlers shall, where appropriate, cooperate with their respective Member State for the preparation of the national policy frameworks for the deployment of alternative fuels infrastructure in airports falling within the scope of the Regulation [...] on the deployment of alternative fuels infrastructure [AFIR], when such a framework is adopted by Member States.*
- 2. Union airport managing bodies, aviation fuel suppliers and fuel handlers shall, where appropriate, in accordance with the national policy frameworks referred to in paragraph 1 when such a framework has been adopted, cooperate and undertake efforts to facilitate the access of aircraft operators to hydrogen or electricity used primarily for the propulsion of an aircraft and to provide the infrastructure and services necessary for the delivery, storage and uplifting of such hydrogen or electricity to refuel or recharge aircraft in line with national policy frameworks for deployment of alternative fuel infrastructure where relevant.*
- 3. By 31 March 2025 and every two years thereafter, the Union airport managing body shall report to the competent authorities and the Agency on the status of advancement of existing projects for their respective Union airport that pursue any of the initiatives referred to in paragraph 2. The report shall include information, which is publicly available or can be made public, including, where appropriate, projections on the volumes and type of hydrogen and electricity production and supply to aircraft operators at the Union airport as well as deployment plans for recharging and refuelling infrastructure and services where such plans are adopted.*

Article 7

Reporting Obligations for Aircraft Operators

By 31 March of each reporting year, **and the first time in 2025**, aircraft operators shall report the following information **with respect to a given reporting period to the competent authorities and to the Agency**:

- (a) The total amount of aviation fuel uplifted at each Union airport, expressed in tonnes;
- (b) The yearly aviation fuel required, per Union airport, expressed in tonnes;
- (c) The yearly non-tanked quantity, per Union airport. If the yearly non-tanked quantity is negative or if it is lower than **or equal to** 10% of the yearly aviation fuel required, the reported yearly non-tanked quantity shall be reported as 0;

(ca) The yearly tanked quantity, per Union airport for reasons of compliance with applicable fuel safety rules pursuant to Article 5(1a), expressed in tonnes;

(d) The total amount of ~~sustainable aviation fuel~~ **SAF** purchased from aviation fuel suppliers, for the purpose of operating their flights **covered by this regulation**, departing from Union airports, expressed in tonnes.

(e) For each purchase of ~~sustainable aviation fuel~~ **SAF**, the name of the aviation fuel supplier, the amount purchased expressed in tonnes, the conversion ~~technology~~ **process**, the characteristics and origin of the feedstock used for production, and the lifecycle emissions of the ~~sustainable aviation fuel~~ **SAF**. Where one purchase includes ~~sustainable aviation fuels~~ **different types of SAF** with differing characteristics, the report shall provide this information for each type of ~~sustainable aviation fuel~~ **SAF**.

(ea) Total flights operated covered by this Regulation departing from Union airports, expressed in number of flights and in flight hours.

The report shall be presented in accordance with the ~~template~~ **templates** laid down in Annex II.

The report shall be verified by an independent verifier in compliance with the requirements set out in Articles 14 and 15 of Directive 2003/87/EC of the European Parliament and of the Council⁵, and in ~~Commission~~*the implementing Regulation (EU) 2018/2067⁶ acts adopted on the basis thereof*

Article 8

Aircraft operator claiming of use of ~~sustainable aviation fuels~~*SAF*

- I. Aircraft operators shall not claim benefits for the use of an identical batch of ~~sustainable aviation fuels~~*SAF* under more than one greenhouse gas scheme. ***The emission factor for the use of SAF under the EU Emission Trading System (EU ETS) is established in Annex IV of Directive 2003/87 or the Implementing Act adopted pursuant to Article 14 of that Directive. For the purpose of allocation of allowances under EU ETS, Directive 2003/87 shall apply. For the purpose of allocation of allowances reserved for the uplifting of SAF under EU ETS, Article 3(c)6 of Directive 2003/87 shall apply.***

Together with the report referred to in Article 7, aircraft operators shall provide the Agency with:

- (a) A declaration of greenhouse gas schemes they participate in and in which the use of ~~sustainable aviation~~*SAF are used pursuant to Article 4(1), second subparagraph, the use of such* fuels may be reported;
- (b) A declaration that they have not reported ***under more than one greenhouse gas scheme*** identical batches of ~~sustainable aviation fuels under more than one scheme~~*SAF are used pursuant to Article 4(1), second subparagraph, identical batch of such fuels.*

⁵ Directive 2003/87/CE du Parlement européen et du Conseil du 13 octobre 2003 établissant un système d'échange de quotas d'émission de gaz à effet de serre dans la Communauté *2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).*

⁶ ~~Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94).~~

(c) An information on the participation in Union, national or regional financial support schemes that allows for compensation to aircraft operators of costs of SAF purchased and information on whether the same batch of SAF received support under more than one financial support scheme.

2. For the purpose of reporting ~~sustainable aviation fuels use~~ SAF under the provisions of Article 7 of this Regulation, or under a greenhouse gas scheme, aviation fuel suppliers shall provide aircraft operators with the relevant *accurate* information *relative to the reporting period* free of charge *as soon as possible, and in any case not later than 14 February of each reporting year.*
3. *The aircraft operator may request the aviation fuel supplier to provide it with the information referred to in paragraph 2 for other reporting obligations, including under national law. The aviation fuel supplier shall provide that information free of charge. In case the request concerns information relating to a period that has already ended at the time of the request, the aviation fuel supplier shall provide that information within 90 days from the date of that request. In case the request concerns information relating to a period that has not yet ended at the time the request is made, the aircraft operator shall endeavour to submit its request at least 45 days before the end of the period. The aviation fuel supplier shall provide that information within 45 days from the end of that period.*

Article 9

Reporting obligations for *aviation* fuel suppliers

By ~~31 March~~ **14 February** of each reporting year *and the first time in 2025*, aviation fuel suppliers shall report in the Union Database referred to in Article 28 of Directive (EU) 2018/2001, the following information relative to the reporting period:

- (a) The ~~volume~~ *amount* of aviation fuel supplied at each Union airport, *expressed in tonnes*;

(b) ~~The volume of sustainable aviation fuel~~**amount of SAF** supplied at each Union airport, and for each type of sustainable aviation fuel~~SAF~~, as detailed in point c), **expressed in tonnes**;

(c) ~~The lifecycle emissions, conversion process, the characteristics and origin of the feedstock used for production, and the lifecycle emissions and conversion process of each sustainable aviation fuel type~~**type of SAF** supplied at Union airports;

(ca) The content of aromatics and naphthalenes by percentage volume and of sulphur by percentage mass in aviation fuel supplied per batch, per Union airport and at Union level. Aviation fuel suppliers shall indicate the total volume and mass of each batch and test method applied to measure the content of each substance at batch level;

(cd) The energy content for aviation fuel and SAF supplied at each Union airport, for each type of fuel.

Member States shall have the necessary legal and administrative framework in place at national level to ensure that information entered by aviation fuel suppliers in the Union Database referred to in Article 28 of Directive (EU) 2018/2001 is accurate, verified and audited pursuant to that Article.

The Agency **and the competent authorities** shall have access to the Union database. **The Agency** ~~and~~ shall use the information contained in the Union database, once the information has been verified at Member State level pursuant to Article 28 of Directive (EU) 2018/2001.

Article 10

Competent authority

1. Member States shall designate the competent authority or authorities responsible for enforcing the application of this Regulation and for imposing the fines ~~for~~**on** aircraft operators, **on the** Union airports ~~and~~**airport managing bodies, and on aviation** fuel suppliers. Member States shall inform the Commission **and the Agency** thereof.

- 1a. Member States shall ensure that their competent authorities exercise their tasks of oversight and enforcement impartially, transparently and in an independent manner from aircraft operators, aviation fuel suppliers and Union airport managing bodies. Member States shall also ensure that their competent authorities have the necessary resources and capabilities to carry out the tasks assigned to them under this Regulation in an efficient and timely manner.*
- 1b. The Commission, the Agency and the competent authorities of the Member States shall cooperate and exchange all relevant information to ensure effective implementation and compliance with this Regulation.*
2. The Agency shall send ~~the data received pursuant to Articles 7 and 9 to the competent authorities of the Member States. The Agency shall also send to the competent authorities~~ *data aggregated for the aircraft operators, Union airports and their respective Union airport managing bodies* and aviation ~~fuels~~ *fuel* suppliers for which the authorities are competent pursuant to paragraphs 3, 4 and 5.
3. The *Member State whose competent authority, or authorities, referred to in paragraph 1 of this Article is responsible for a given* ~~in respect of an~~ aircraft operator shall be determined pursuant to Commission Regulation (EC) No 748/2009⁷. *For aircraft operators not attributed to a Member State in that Regulation, the responsible Member state shall be determined pursuant to the rules laid down in Article 18a of Directive 2003/87/EC. The Commission may support the Member States in this reattribution process. For this purpose, the Commission may request the assistance of Eurocontrol and may conclude to that effect any appropriate agreement with Eurocontrol.*
4. The *Member State whose competent authority, or authorities, referred to in paragraph 1 of this Article is responsible for a given* ~~in respect of Union airports~~ *airport managing body* shall be determined on the basis of the respective territorial jurisdiction *of the Union airport.*

⁷ Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC (*OJ L 219, 22.08.2009, p. 1*).

5. The *Member State whose competent authority or authorities referred to in paragraph 1 of this Article is responsible for a given aviation fuel supplier shall be the Member State in which the aviation fuel supplier has its principal place of business.*

For in respect of aviation fuel suppliers which do not have their principal place of business in a Member State, the Member State concerned shall be determined pursuant to their the one in which the aviation fuel supplier supplied the most aviation fuel in 2023 or in the first year of providing aviation fuel in the EU market, whichever the latest. Such an aviation fuel supplier may present a reasoned request to its competent authority to be reattributed to another Member State, in case it has supplied the most of its aviation fuel in that latter Member State over the two years preceding the request. The decision of reattribution shall be made within six months following the request by the aviation fuel supplier, shall be subject to the agreement of the competent authorities of the Member State of reattribution and shall be transmitted without undue delay to the Agency and the Commission. It shall enter into force at the beginning of the reporting period following the date of that decision of establishment.

Article 11

Enforcement

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Regulation and shall take all measures necessary to ensure that— they are implemented. The penalties provided for must be effective, proportionate and dissuasive *taking into account in particular the nature, duration, recurrence and gravity of the infringement.* Member States shall notify these provisions to the Commission by 31 December ~~2023~~2024 at the latest and shall notify it without delay of any subsequent amendment affecting them.

2. Member States shall ensure that any aircraft operator failing to comply with the obligations laid down in Article 5 is liable to an administrative fine. That fine shall be at least *proportionate and dissuasive but not less than* twice as high as the multiplication of the yearly average price of aviation fuel per tonne and of the total yearly non-tanked quantity; *An aircraft operator may be exempted from a fine if it can prove that its failure to comply with the obligations laid down in Article 5 is caused by exceptional and unforeseeable circumstances, outside of its control, the effects of which could not have been avoided even if all reasonable measures had been taken.*
- 2a. *Member States shall ensure that the Union airport managing body failing to take the necessary measures to address the lack of adequate access of aircraft operators to aviation fuels containing minimum shares of SAF pursuant to Article 6(3) is liable to a fine.*
3. Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4 relative to the minimum share of sustainable aviation fuels SAF is liable to an administrative fine. That fine shall be at least *proportionate and dissuasive but not less than* twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and sustainable aviation fuel SAF per tonne and of the quantity of aviation fuels not complying with the minimum share referred to in Article 4 and Annex I;
4. Member States shall ensure that any aviation fuel supplier failing to comply with the obligations laid down in Article 4 relative to the minimum share of synthetic aviation fuels *and, over the period from 1 January 2030 until 31 December 2034, the average share of synthetic aviation fuels*, is liable to an administrative fine. That fine shall be at least *proportionate and dissuasive but not less than* twice as high as the multiplication of the difference between the yearly average price of synthetic aviation fuel and conventional aviation fuel per tonne and of the quantity of the aviation fuel not complying with the minimum share referred to in Article 4 and Annex I. *Where applicable, when establishing the fine relative to the average share of synthetic aviation fuels, Member States shall take into account the fine relative to minimum share of synthetic aviation fuels that the aviation fuel supplier is already liable to in the respective period, in order to avoid double penalty;*

- 4a. Member States shall ensure that any aviation fuel supplier that has been proven to have provided misleading or inaccurate information regarding the characteristics or origin of the SAF it supplied under Article 8(2) and Article 9 is liable to a fine. That fine shall be proportionate and dissuasive but not less than twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and SAF per tonne and of the quantity of aviation fuels about which misleading or inaccurate information regarding their characteristics or origin was provided.*
5. In the decision imposing the administrative fines referred to in paragraphs 2, 3, 4 and ~~4a~~ and 4, the competent authority shall explain the methodology applied for the determination of the price of aviation fuel, sustainable aviation fuel SAF and synthetic aviation fuel on the Union market, based on verifiable and objective criteria ***including the latest available technical report referred to in Article 12;***

6. Member States shall ensure that any aviation fuel supplier which has accumulated a shortfall from the obligation laid down in Article 4 relative to the minimum share of ~~sustainable aviation fuels~~ **SAF** or of synthetic **aviation** fuels in a given reporting period, shall supply the market in the subsequent reporting period with a quantity of that respective fuel equal to that shortfall, additional to their reporting period obligation. ~~Fulfilling this~~ **By way of derogation regarding synthetic aviation fuels over the periods from 1 January 2030 until 31 December 2031 and from 1 January 2032 until 31 December 2034, Member States shall ensure that: (a) any aviation fuel supplier which has accumulated a shortfall from the obligation laid down in Article 4 relative to the average share of synthetic aviation fuels in the period from 1 January 2030 until 31 December 2031, shall supply the market before the end of the period from 1 January 2032 until 31 December 2034 with a quantity of synthetic aviation fuel equal to that shortfall, in addition to the obligations of that period; (b) any aviation fuel supplier which has accumulated a shortfall from the obligation laid down in Article 4 relative to the average share of synthetic aviation fuels in the period from 1 January 2032 until 31 December 2034, shall supply the market in the subsequent reporting period with a quantity of synthetic aviation fuel equal to that shortfall, additional to their reporting period obligation. Fulfilling these obligations shall not exonerate the aviation fuel supplier from the obligation to pay the ~~penalties~~ **fin**es laid out in paragraphs 3 and 4 of this Article;**
7. Member States shall have the necessary legal and administrative framework in place at national level to ensure the fulfilment of the obligations and the collection of the ~~administrative fines. Member States shall transfer the amount collected through those administrative fines as contribution to the InvestEU Green Transition Investment Facility, as a top-up to the EU guarantee.~~
- 7a. **Member States shall endeavour to ensure that revenues generated from fines, or the equivalent in financial value of those revenues, are used to support research and innovation projects in the field of SAF, the production of SAF or mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels.**

Where such revenues are allocated to the general budget of a Member State, a Member State shall be deemed to have complied with the first subparagraph of this paragraph, if it implements financial support policies to support research and innovation projects in the field of SAF, the production of SAF or policies that support mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels which have a value equivalent or higher to the revenues generated from fines.

By 25 September 2026, and every five years thereafter, Member States shall make public in aggregate form a report on the use of revenues generated from the fines, and information on the level of expenditure allocated to research and innovation projects in the field of SAF, the production of SAF or policies that support mechanisms allowing to bridge the price differences between SAF and conventional aviation fuels.

Article 12

Data collection and publication

The Agency shall publish every year a technical report on the basis of the yearly reports referred to in Articles 6a, 7 and 9 **and forward it to the Council and the European Parliament**. That report shall contain at least the following information:

- (a) The amount of ~~sustainable aviation fuel~~ **SAF** purchased by aircraft operators at Union level in aggregate, for use on flights **covered by this Regulation** departing from a Union airport, and by Union airport;
- (b) The amount of ~~sustainable aviation fuel~~ **SAF** and of synthetic aviation fuel supplied at Union level in aggregate, **per Member State and per Union airport. The report shall include the amount and type of feedstock used at Union level, per Member State and per and by Union airport and an analysis on the ability of aviation fuel suppliers to meet the minimum shares defined in Annex I;**

(ba) To the extent possible, the amount of SAF supplied, in the third countries with which an agreement that regulates the provision of air services has been concluded by the Union, or the Union and its Member States, and in other third countries where such information is publicly available;

(c) The state of the market, including price information, and trends in ~~sustainable aviation fuel~~SAF production and use in the Union and per Member State and, to the extent possible, in the third countries with which an agreement that regulates the provision of air services has been concluded by the Union, or the Union and its Member States, and in other third countries. The state of market shall include information on the evolution of the price gap between SAF and conventional aviation fuels;

(d) The status of compliance of airports ~~at~~the Union airport managing body per airport, regarding obligations set out in Article 6;

(e) The compliance status of each aircraft operator and aviation fuel supplier having an obligation under this Regulation in the reporting period;

(f) The origin and the characteristics of all ~~sustainable aviation fuels~~SAF and sustainability characteristics of hydrogen for aviation purchased by aircraft operators for use on flights covered under this Regulation departing from Union airports;

(fa) The average content of total aromatics and naphthalenes by percentage volume and sulphur by percentage mass in aviation fuel supplied by Union airport and at Union level.

(fb) The status of advancement of projects at Union airports pursuing initiatives referred to in Article 6a(2).

The Agency may consult the experts of the Member States when drawing up that report.

Article 12a

Environmental Labelling Scheme

1. *A voluntary environmental labelling scheme allowing measuring the environmental performance of flights is hereby established.*
2. *Labels issued pursuant to this Article shall apply to aircraft operators falling within the scope of this Regulation for flights covered by this Regulation departing from Union airports.*

Aircraft operators may request the issuance of labels under this Article also to their flights covered by this Regulation arriving at Union airports.

Where an aircraft operator requests the issuance of a label under this Article, it shall request such a label for all its flights covered by this Regulation departing from Union airports.

Where an aircraft operator requests the issuance of a label under the second subparagraph of this paragraph, it shall request such a label for all its flights arriving at Union airports.

3. *Labels issued pursuant to this Article shall certify the level of environmental performance of a flight on the basis of the information referred to in the following subparagraph of this paragraph. The level of environmental performance of a flight shall be determined on the basis of the average environmental performance of the flights carried out by a given aircraft operator on a specific route for the previous corresponding scheduling period within the meaning of Article 2, point d, Regulation (EEC) 95/93.*

Labels issued pursuant to this Article shall consist of the following information:

- (a) *The expected carbon footprint per passenger (e.g. kilograms of CO₂ per passenger) for the period of validity of the label;*

(b) The expected CO2 efficiency per kilometre (e.g. grams of CO2 per passenger per kilometre) for the period of validity of the label.

4. The expected carbon footprint per passenger and the expected CO2 efficiency per kilometre of a flight shall be determined by the Agency on the basis of a standardised and science-based methodology and pursuant to all or part of the following factors, to be collected from the aircraft operators:

(a) the types of aircraft, average number of passengers and freight loads supplemented when needed with estimations of those factors (e.g. the average load factors for the specified route for a given time period); and

(b) the performance of the fuel used on the flights carried out by the aircraft operator based on the fuel uptake and using metrics such as the total amount of SAF uplifted, the percentage over the total fuel uptake, the quality and origin, the composition and the lifecycle emissions from fuel use calculated for the flight.

5. Labels issued pursuant to this Article shall be valid for a given period of time, not exceeding one year, as specified pursuant to paragraph 10(c). The period of validity of the label shall be clearly displayed by the aircraft operator together with the label.

6. Labels shall be issued by the Agency upon request of an aircraft operator, for each flight or set of flights operated under the same conditions, on the basis of the information referred to in paragraph 3 and of the standardised and science-based methodology and factors referred to in paragraph 4.

The Agency may require the aircraft operator to provide additional information to allow for the issuance of the label.

In case the aircraft operator does not submit all the information necessary for the Agency to issue the requested label, the Agency shall reject the request.

An appeal may be brought by the aircraft operator against decisions of the Agency taken pursuant to paragraphs 6 and 7. Such an appeal shall be filed to the Board of Appeal referred to in Article 105 of Regulation (EU) 2018/1139 within 10 days of notification of the decision. Articles 106, 107, 108(2) and (3), 111, 112, 113 and 114 of Regulation (EU) 2018/1139 shall apply. Any decision taken by the Agency pursuant to this paragraph shall be taken without any undue delay.

7. *The Agency shall review periodically if the factors on the basis of which a label has been issued for each flight or set of flights operated under the same conditions have changed. If the Agency concludes that a label is no longer appropriate, it shall, after having provided the operator with the opportunity to be heard, either revoke the existing label or issue a new label, and inform the aircraft operator accordingly.*

The aircraft operator shall adjust the display of the label accordingly without any delay.

8. *Aircraft operators having been granted a label pursuant to paragraph 6 shall display the information referred to in paragraph 3, second subparagraph. The label shall be easily accessible and understandable. It shall be presented in a way that allows customers to compare easily the environmental performance of flights operated by different aircraft operators flying the same route. Where an aircraft operator displays the label at a point of sale or any other contact with the customers, they shall do so for all flights falling in scope of this Regulation.*

9. *Aircraft operators requesting the issuance of a label shall pay a charge to the Agency to finance the costs of the service provided by the Agency when carrying out the activities laid down in this Article. The revenues generated from such charge shall constitute another revenue within the meaning of Article 120, paragraph 1, of Regulation (EU) 2018/1139 and be assigned revenues to be allocated by the Agency to cover those costs. Article 126 (2) and (3) of Regulation (EU) 2018/1139 shall apply. The amount of the charge shall be defined pursuant to Article 126 (4) of Regulation (EU) 2018/1139.*

10. *The Agency shall, as part of its tasks on the field of environmental protection as set out in Article 87(2) of Regulation (EU) 2018/1139, contribute to raise awareness of the existence of the labelling scheme set up by this Article.*

11. In order to ensure the uniform implementation and compliance with the rules set out in this Article, the Commission is empowered to adopt by 1 January 2025 implementing acts adopted in accordance with Article 13a(3) [examination procedure] laying down detailed provisions concerning:

(a) the standardised and science-based methodology referred to in paragraph 4, based on the best available scientific data, in particular the data provided by the Agency and including the methodology for using estimations mentioned in paragraph 4, point (a);

(b) the procedure through which aircraft operators shall provide the Agency with the relevant information for the issuance of a label, and the procedure for the Agency to issue that label, including the time-limit by which the Agency shall take a decision pursuant to paragraph 6;

(c) the duration of the validity of labels issued pursuant to this Article;

(d) the conditions under which the Agency shall carry out the review referred to in paragraph 7;

(e) the procedure mentioned in paragraph 7 through which the Agency can either revoke existing labels or issue a new label;

(f) the templates for displaying labels issued pursuant to this Article;

(h) ensuring an easy access to all issued labels in machine-readable format;

(i) the possibility and conditions under which aircraft operators may display, without using a label under this Article, any environmental performance information similar to the one referred to in paragraph 3 for flights departing from Union airports.

12. *By 1 July 2027, the Commission shall identify and assess the developments on the functioning of the labelling scheme set up by this Article as well as possible improvements or additional measures to such scheme, with a view in particular to establish a compulsory environmental labelling scheme encompassing all aspects of the environmental performance of flights or set of flights and the different decarbonisation measures that aircraft operators take, in full compliance with EU law. The Commission shall present a report with the main findings of the assessment carried out pursuant to this paragraph to the European Parliament and to the Council. It may, where appropriate, accompany the report, by a legislative proposal.*

Article 13

Transitional period Flexibility mechanisms

1. *By way of derogation from Article 44(1), from 1 January 2025 until 31 December ~~2029~~2034, for each reporting period, an aviation fuel supplier may supply the minimum share of sustainable aviation fuel SAF defined in Annex I as a weighted average over all the aviation fuel it supplied across Union airports for that reporting period.*
2. *No later than 1 July 2024, the Commission shall identify and assess the developments on SAF production and supply on the Union aviation fuel market as well as assess possible improvements or additional measures to the existing SAF flexibility mechanism referred to in paragraph 1, such as setting up or recognising a system of tradability of SAF to enable fuel supply in the Union without it being physically connected to a supply site, with a view to further facilitate the supply and uptake of SAF for aviation during the flexibility period.*

Such a possible system, incorporating elements of a book and claim scheme, may enable aircraft operators and/or fuel suppliers to purchase SAF through contractual arrangements with aviation fuel suppliers and to claim its use at Union airports.

The Commission shall present a report with the main findings of the evaluation carried out pursuant to this paragraph to the European Parliament and to the Council, accompanied, where appropriate, by a legislative proposal.

Article 13a

Committee procedure

1. *The Commission shall be assisted by the ReFuelEU Aviation Committee, hereinafter referred to as "the Committee". The Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
2. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*
3. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

Article 14

Reports and Review

By 1 January ~~2028~~**2027** and every ~~five~~**four** years thereafter, the Commission ~~services~~ shall present a report to the European Parliament and the Council, on ***the application of this Regulation.***

*The report shall contain detailed assessment of the evolution of the aviation fuels market and, its impact on the **functioning of the** aviation internal market of the Union, including regarding the possible extension of the scope of this Regulation to other energy sources, and other types of synthetic fuels defined under the Renewable Energy Directive, **on the competitiveness and connectivity, in particular for islands and remote territories, as well as the cost-effectiveness of lifecycle emissions reductions. The report shall also assess the needs for investments, employment and training, and research and innovation in SAF. The report shall also inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to SAF, including with regards to the reduction of non-CO₂ emissions or direct air capture (DAC) technologies.***

*The report shall evaluate the possible ~~revision~~ **need to revise the scope of the Regulation, the SAF definition, the eligible fuels and the** minimum shares in Article 4 and Annex I, and the level of administrative fines. The report shall ~~include information, where available, on development of a potential policy framework for uptake of sustainable aviation fuels at ICAO level~~ **evaluate possible extension of the scope of this Regulation to other energy sources and other types of synthetic fuels defined under the Renewable Energy Directive, while taking due account of principle of technological neutrality.** The report shall also ~~inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to sustainable~~ **assess initiatives, improvements and additional measures to further facilitate and promote an increased supply and uptake of non-drop-in aviation fuels, including with regards to the reduction of non-CO₂ emissions and related services, infrastructure and technologies consistent with the objective to decarbonise the air transport while preserving the level playing field.***

The report ~~may~~ **shall** consider if this Regulation should be amended and, options for amendments, where appropriate, in line with a potential policy framework on sustainable aviation fuels uptake at ICAO level **possible inclusion of mechanisms to support the production and uplift of SAF, including the collection and use of funds, and to limit the adverse impacts of this Regulation on the connectivity and competitiveness. This shall include financial and other mechanisms to bridge the price differences between SAF and conventional aviation fuels.**

The report shall assess the impact on the functioning of the aviation internal market of the exemptions granted under Article 5(2).

To the extent possible, the report shall inform on the policy developments in relevant third countries, including in the context of their multilateral and bilateral agreements with the Union or with the Union and its Member States, as well as on the development of a potential policy framework for supply and uplift of SAF at ICAO level.

The report shall assess the competitiveness of Union air carriers and airport hubs vis-à-vis their competitors in relevant third countries and possible rerouting, notably through a shift in traffic towards airport hubs in third countries leading to carbon leakage. In particular, in the absence of a mandatory scheme at international level on the use of SAF for international flights with a similar level of ambition in comparison with the requirements laid down in this Regulation or of mechanisms developed at international level allowing to prevent the risk of carbon leakage and the distortion of competition for international aviation, the Commission shall, by 31 December 2026, where appropriate, consider targeted mechanisms aiming at preventing those effects, including, if appropriate, the extension to international aviation of [CBAM] Regulation (EU)⁸, as well as other types of measures taking into account the fact that the final destination of the flight is located outside the territory of the Union.

The report shall include detailed information on the enforcement of this Regulation. The report shall consider if this Regulation should be amended and, where appropriate, which options for amendments should be considered, in line with a potential policy framework on SAF uptake at ICAO level.

As part of the first report or earlier as a standalone report presented to the European Parliament and to the Council, the Commission shall assess possible measures to optimise the fuel content in aviation fuels.

⁸ **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL [...]**
establishing a carbon border adjustment mechanism

The Commission may consult Member States when drawing up that report, at least 6 months before its adoption.

Article 15

Entry into force

This Regulation shall enter into force on the ~~day~~ twentieth **day** following that of its publication in the Official Journal of the European Union.

It shall apply from 1st January ~~2023~~**2024**.

However, Article 4 ~~and 5 shall apply from 1 January 2025 and Articles 7 and Article 9, 5 and 6 shall apply from 1st April 2024 for the reporting period of the year 2023~~ **January 2025**.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

Annex I

Volume shares

- (a) From 1 January 2025, *each year* a minimum share of 2% of SAF;
- (b) From 1 January 2030, *each year* a minimum share of ~~5%~~6% of SAF, of which
- (i) *For the period from 1 January 2030 until 31 December 2031, an average share over the period of 1.2% of synthetic aviation fuels, of which each year a minimum share of 0.7% of synthetic aviation fuels;*
 - (ii) *For the period from 1 January 2032 until 31 December 2034, an average share over the period of 2.0% of synthetic aviation fuels, of which each year a minimum share of 1.2% from 1 January 2032 until 31 December 2033 and of which a minimum share of 2.0% from 1 January 2034 until 31 December 2034 of synthetic aviation fuels;*
- (c) From 1 January 2035, *each year* a minimum share of 20% of SAF, of which a minimum share of 5% of synthetic aviation fuels;
- (d) From 1 January 2040, *each year* a minimum share of ~~32%~~34% of SAF, of which a minimum share of ~~8%~~10% of synthetic aviation fuels;
- (e) From 1 January 2045, *each year* a minimum ~~volume~~ share of ~~38%~~42% of SAF, of which a minimum share of ~~11%~~15% of synthetic aviation fuels.
- (f) From 1 January 2050, *each year* a minimum ~~volume~~ share of ~~63%~~70% of SAF, of which a minimum share of ~~28%~~35% of synthetic aviation fuels.

Annex II – Template for aircraft operator reporting

Template for aircraft operator reporting on uplift of SAF

Union airport	ICAO code of Union airport	Yearly aviation fuel required (tonnes)	Actual aviation fuel uplifted (tonnes)	Yearly non-tanked quantity (tonnes)	Total yearly non-tanked quantity (tonnes)	<i>Yearly tanked quantity for fuel safety rules (tonnes)</i>
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Template for aircraft operator reporting on purchases of SAF

<i>Total number of flights operated</i>	<i>Total number of flight hours</i>	<i>Fuel supplier</i>	<i>Amount purchased (tonnes)</i>	<i>Conversion process</i>	<i>Characteristics</i>	<i>Origin of feedstock</i>	<i>Lifecycle emissions</i>
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