



Council of the European Union
General Secretariat

Brussels, 11 April 2022

Interinstitutional files:

2021/0211 (COD)

2021/0207 (COD)

WK 5400/2022 INIT

**DOCUMENT PARTIALLY
ACCESSIBLE TO THE
PUBLIC (21.02.2025)**

LIMITE

CLIMA

ENV

ENER

TRANS

CODEC

IND

MI

AVIATION

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment

N° prev. doc.:	WK 4885/2022
----------------	--------------

Subject:	Fit for 55 package - ETS: Comments from delegations
----------	---

Following the call for comments set out in WK 4885/2022, delegations will find attached comments from the DE and FI delegations.

GERMANY

GER comments on WPE, 1 April 2022 ETS Directive

Differences between flights operated by European and non-European airlines on international routes within Europe with regard to the application of ETS and CORSIA under the ETS Directive

We thank the Presidency for this opportunity to add written comments. The question of differential treatment of airlines needs to be carefully examined. We have not finished our deliberations on this topic yet but we would still like to add some thoughts.

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- Article 12(6b)
We propose to replace aircraft by the term aeroplane to exclude helicopter flights according to the CORSIA SARPs. A definition of aeroplane would need to be added to the directive. This comment is valid for other areas in the legal text as well where the proposed amendments refer to aircraft operators too.
- Article 12(7)
The methodology for calculating the offsetting responsibility is of high importance. We recommend not to use a delegated act but to include the calculation and scope in the directive itself. In addition, we would like to highlight that the accounting of CORSIA eligible fuels is not covered in the directive at the moment. Given that we expect a significant growth in the use of

such fuels as well as mandatory quotas in some States outside the Union, we recommend to cover this aspect in the ongoing discussion in the Council and in the proposed legal text.

- Article 25a(4)
As this exemption refers to the EU-ETS, it should presumably read “surrender allowances” and not “cancel units”. More specifically, this article excludes operators with an offsetting obligation under CORSIA (on flights from and to the EEA) from EU-ETS surrendering obligations on a specific route. As CORSIA is a route based system, the additional criterion “aircraft operators that hold an air operator certificate issued by a country or that is registered in a country that is listed therein” should be deleted as the offsetting obligation is solely determined by the route and not the State of registration of the aeroplane operator.
- Article 25a(5)
As this exemption refers to the EU-ETS, it should presumably read “surrender allowances” and not “cancel units”.
- Article 25a(6)
[REDACTED]
- Article 25a(7)
[REDACTED]
- Article 25a(10)
The proposed design of this article does not require EEA aeroplane operators to report emissions on flights between third countries without an offsetting obligation. However, according to CORSIA SARPs there is mandatory requirement to monitor, verify and report all international emissions.
- Article 25a(10b)
The 10,000 tonnes threshold needs to refer to all international emissions.
- In order to reduce administrative burden for States and (foreign) operators, the proposed legal text should also include necessary adjustments in the area of monitoring to further align EU-ETS to CORSIA, e.g. Fuel Use Monitoring Methods (which are already defined in the ETS Directive). Further aspects are the emissions factor, deadlines, templates, emissions estimation tools, thresholds and accreditation of verification bodies.

FINLAND

Written comments on the proposal for amending directive 2003/87/EC (ETS Aviation)

[illegible]

[REDACTED]

[REDACTED]
