



2021/0205(COD)

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on ensuring a level playing field for sustainable air transport
(COM(2021)0561 – C9-0332/2021 – 2021/0205(COD))

Committee on Transport and Tourism

Rapporteur: Søren Gade

Rapporteurs for the opinion (*):
Jutta Paulus, Committee on Industry, Research and Energy
Nicolás González Casares, Committee on the Environment, Public Health and
Food Safety

(*) Associated committees – Rule 57 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport (COM(2021)0561 – C9-0332/2021 – 2021/0205(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0561),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0332/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of ... 2022,
 - having regard to the opinion of the Committee of the Regions of ... 2022,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Industry, Research and Energy and the Committee on the Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on Transport and Tourism (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

This proposal is part of the "Fit for 55" package that implements the political aim of an overall reduction of transport greenhouse gas emissions by 90% in 2050. Aviation needs to play its part but it needs a tailored approach since it is particularly difficult to decarbonise. Aviation has a need for dense energy sources and due to the lack of sustainable commercially mature alternatives to power aircraft it still needs to rely on fossil fuels.

Therefore, it is clear that Sustainable Aviation Fuels (SAF) are a very important element in decarbonising air transport.

Build a sound EU SAF market

SAF production in the European Union is still negligible and the supply of sustainable aviation fuels is currently very limited. This is partly because SAF are considerably more expensive than kerosene, due to their high production costs. The demand for SAF is lagging behind because individual airlines cannot afford this price difference in the highly competitive international aviation market. Therefore, the Commission's proposal introduces a blending mandate for the aviation sector, in order to boost the market uptake of sustainable aviation fuels. It establishes an obligation on fuel suppliers to ensure that all aviation fuels made available to airlines in EU airports contains a minimum share of sustainable aviation fuels, including a minimum share of synthetic fuels, and it sets out a pathway to gradually increase this share from 2025 to 2050.

According to the Rapporteur, the creation of a sound EU SAF market will greatly depend on the credibility and sustainability of the final provisions that will be adopted under this Regulation.

He recalls that currently in the EU, there are no SAF refineries operating at a commercial scale and there is very limited total capacity. Feedstock availability is a limiting factor and does not represent a scalable solution. Moreover, competition between energy and transport sectors for access to feedstock will increase. This is why the Rapporteur believes that it is important to maintain the same European blending mandates across the EU. This is to avoid a fragmentation of the SAF market, as well as a competition for feedstock that could lead to a severe shortage of supply in certain regions of the Union, undermining the ability of aircraft operators from those regions to decarbonise. Moreover, the Rapporteur considers that it is of utmost importance to preserve the integrity of the SAF and aviation internal markets and in this respect the current blending mandate targets should be kept as they are because they reflect this limited availability of feedstock.

Flexibility mechanism

To respond to the concerns raised by the industry on the physical supply and uplift of the mandated SAF volume at EU airports under the proposal, the Rapporteur introduces a flexibility mechanism. This should act as a transitional period to provide for the necessary flexibility for fuel suppliers and airlines to meet their obligations of providing and uptaking sustainable aviation fuels in the most cost-effective manner, and to avoid imposing undue burdens on air transport operations at small airports. The flexibility mechanism is due to last 8 years from the date of application of these obligations. After that period SAF will be available in the lion's share of union airports and be uplifted by the majority of aircraft operating from

the Union.

Incentivise the uptake of SAF

It is essential to ensure a level playing field across the EU air transport market, when it comes to the use of aviation fuels. Currently SAF prices are prohibitive for aircraft operators, which could hamper the uptake of SAF. Therefore, the Rapporteur believes that the EU Emissions Trading Scheme (ETS) applying to aviation should be used to further boost the uptake of SAF, in particular, he believes that a part of the overall amount allowances, within the limit of the cap, should be allocated for free to aircraft operators for uplifting SAF. This provision is not meant to overcompensate nor undercompensate the uplift of SAF but rather to match the initial economic burden of aircraft operators for using SAF, before the production of SAF will reach the necessary mass to decrease their prices.

Aviation safety first

In order to avoid the so-called "fuel tankering", whereby aircraft operators uplift more aviation fuel than necessary at a given airport, with the aim to avoid refuelling partially or fully at a destination airport where aviation fuel is more expensive, this Regulation requires all aircraft operators, both EU and from third countries, to annually uplift at least 90% of the aviation fuel required at the Union airports they depart from. However, this provision should not jeopardise aviation safety. For this reason, the Rapporteur introduces a possibility for aircraft operators to be exempted from administrative fines if the operator proves that the non-compliance of the tankering obligations was caused by exceptional and unforeseeable circumstances, outside of its control, whose effects could not have been avoided even if all reasonable measures had been taken.

Get prepared for new technologies

Whilst the Rapporteur wishes to see new zero-emission aircraft technologies in the future, such as hybrid-electric and hydrogen powered aircrafts, he also acknowledges that this might not be commercially possible in the coming decade. Nevertheless, the Rapporteur believes that we should prepare for the uptake of these technologies when they become mature and commercially available. In this respect, the Rapporteur wants this Regulation to already cover electricity and hydrogen. He includes a provision that ensures that airports take all necessary measures to facilitate an appropriate infrastructure for hydrogen and electric recharging for aircraft, when these technologies become commercially available and in accordance with the respective deployment plan of the national policy framework, as set out in the proposed Regulation on the deployment of alternative fuels infrastructure.

Union labelling system for the environmental performance of aviation

Consumer demand can play an important role in the development towards more sustainable aviation. However, for consumers to be able to make an informed choice, more robust, reliable, independent and harmonised information is needed on the environmental impact of flights. A labelling scheme, with clear and comprehensive information, could provide the needed transparency in the market in order to drive consumers' choices and further incentivise the use of sustainable aviation fuels and other sustainability measures by aircraft operators. In this sense, the Rapporteur wishes to mandate the European Union Aviation Safety Agency (EASA) to develop and implement such a system based on the environmental labelling system for aviation including aircraft, aircraft operators and commercial flights as part of the Sustainable and Smart Mobility Strategy that EASA has been already working on.

Sustainable Aviation Fund

The successful transition to sustainable aviation requires an integrated approach and the appropriate resources to stimulate innovation and research, to invest in zero-emissions technologies and sustainable infrastructure. For this purpose, the Rapporteur introduces the proposal to allocate the revenues of the penalties collected under this Regulation to a new Sustainable Aviation Fund.

Amendment 1

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The Communication on a Sustainable and Smart Mobility Strategy¹⁰ 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, pursued in European and national research and innovation aviation programmes have contributed to important emission reductions in the past decades. However, the global growth of air traffic has outpaced the sector's emissions reductions. Whereas new technologies are expected to help reducing short-haul aviation's reliance on fossil energy in the next decades, sustainable aviation fuels offer the only solution for significant decarbonisation of all flight ranges, already in the short term. However, this potential is currently largely untapped.

¹⁰ 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.

Amendment

(7) The Communication on a Sustainable and Smart Mobility Strategy¹⁰ 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, 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 ***zero-emission aircraft*** technologies 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 solution for significant decarbonisation of all flight ranges, already in the short term. However, this potential is currently largely untapped.

¹⁰ 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.

Or. en

Amendment 2

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Sustainable aviation fuels are liquid, drop-in fuels, fully fungible with conventional aviation fuel and compatible with existing aircraft engines. Several production pathways of sustainable aviation fuels have been certified at global level for use in civil or military aviation. Sustainable aviation fuels are technologically ready to play an important role in reducing emissions from air transport already in the very short term. They are expected to account for a major part of the aviation fuel mix in the medium and long term. Further, with the support of appropriate international fuel standards, sustainable aviation fuels might contribute to lowering the aromatic content of the final fuel used by an operator, thus helping to reduce other non-CO₂ emissions. Other **alternatives to power aircraft**, such as electricity or **liquid** hydrogen are expected to progressively contribute to the decarbonisation of air transport, beginning with short-haul flights.

Amendment

(8) Sustainable aviation fuels are **aviation fuels that comprise** liquid, drop-in fuels, fully fungible with conventional aviation fuel and compatible with existing aircraft engines, **as well as hydrogen and electricity**. Several production pathways of sustainable aviation fuels have been certified at global level for use in civil or military aviation. Sustainable aviation fuels are technologically ready to play an important role in reducing emissions from air transport already in the very short term. They are expected to account for a major part of the aviation fuel mix in the medium and long term. Further, with the support of appropriate international fuel standards **and EASA's support for the design of those standards**, sustainable aviation fuels might contribute to lowering the aromatic content of the final fuel used by an operator, thus helping to reduce other non-CO₂ emissions. Other **sustainable aviation fuels**, such as electricity or hydrogen, **are very promising technologies and** are expected to progressively contribute to the decarbonisation of air transport, beginning with short-haul flights. **This Regulation will further accelerate scientific development and deployment of these technologies, as well as commercial innovation in respect of them, by allowing economic operators to consider those technologies in relation to the mandate on sustainable aviation fuels, as set out in this Regulation, when those technologies become mature and commercially available. This will also increase market certainty and predictability and act as an incentive for the investments in those new technologies that are necessary.**

Or. en

Justification

It is important to include promising technologies, such as hydrogen and electricity, in the definition of SAF. While for the moment they are not yet commercially available, they are expected to enter the market in the coming decade and should therefore be taken into account and their development further encouraged and accelerated.

Amendment 3

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The gradual introduction of sustainable aviation fuels on the air transport market will represent an additional fuel cost for airlines, as such fuel technologies are currently more expensive to produce than conventional aviation fuel. This is expected to exacerbate the pre-existing issues of level playing field on the air transport market as regards aviation fuel, and to cause further distortions among aircraft operators and airports. This regulation should take measures to prevent that the introduction of sustainable aviation fuels affects negatively the competitiveness of the aviation sector by defining harmonised requirements across the Union.

Amendment

(9) The gradual introduction of sustainable aviation fuels on the air transport market will represent an additional fuel cost for airlines, as such fuel technologies are currently more expensive to produce than conventional aviation fuel. This is expected to exacerbate the pre-existing issues of level playing field on the air transport market as regards aviation fuel, and to cause further distortions among aircraft operators and airports, ***also in the context of the implementation of CORSIA and ETS emission schemes***. This regulation should take measures to prevent that the introduction of sustainable aviation fuels affects negatively the competitiveness of the aviation sector by defining harmonised requirements across the Union, ***including common definitions and common EU-level target-setting***.

Or. en

Amendment 4

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) At global level, sustainable aviation

Amendment

(10) At global level, sustainable aviation

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

fuels are regulated at 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 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 for international flights. ***It is therefore important that the Union sustains the efforts made at ICAO level and strives for an ambitious global system that promotes the use of sustainable aviation fuels and provides for an international level playing field.*** 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.

Or. en

Justification

Aviation is a highly integrated and competitive international market. A global system to incentivise the uptake of SAF would create a true international level playing field.

Amendment 5

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) It is essential to set harmonised rules across the EU internal market, applying directly and in a uniform way to

Amendment

(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* applying to air transport. It should include gradually increasing targets for the supply of sustainable aviation fuels. Such targets should be carefully defined, taking into account the objectives of a well-functioning air transport market, the need to decarbonise the aviation sector and the current status of the sustainable aviation fuels industry.

aviation 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* applying to air transport. It should include gradually increasing targets for the supply of sustainable aviation fuels. Such targets should be carefully defined, taking into account the objectives of a well-functioning air transport market, the need to decarbonise the aviation sector, ***the commercial maturity and availability of sustainable aviation fuels and the different technologies that underpin them,*** and the current status of the sustainable aviation fuels industry, ***as well as the developments envisaged for that industry.***

Or. en

Justification

Different SAF pathways have a different level of commercial maturity and of availability of raw materials. This should be carefully taken into consideration when setting the targets.

Amendment 6

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The present Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to aircraft such as military aircraft and aircraft engaged in operations for humanitarian, search, rescue, disaster relief or medical purposes, as well as customs, police and fire-fighting operations. Indeed, flights operated in such circumstances are of exceptional nature and as such cannot always be planned in the same way as regular flights. Due to the nature of their operations, they may not always be in a position to fulfil obligations

Amendment

(15) The present Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to aircraft such as military aircraft and aircraft engaged in operations for humanitarian, search, rescue, disaster relief or medical purposes, as well as customs, police and fire-fighting operations. Indeed, flights operated in such circumstances are of exceptional nature and as such cannot always be planned in the same way as regular flights. Due to the nature of their operations, they may not always be in a position to fulfil obligations

under this Regulation, as it may represent unnecessary burden. In order to cater for a level playing field across the EU aviation single market, this regulation should cover the largest possible share of commercial air traffic operated from airports located on EU territory. At the same time, in order to safeguard air connectivity for the benefits of EU citizens, businesses and regions, ***it is important*** to avoid imposing undue burden on air transport operations at small airports. ***A threshold of yearly passenger air traffic and freight traffic should be defined, below which airports would not be covered by this Regulation; however, the scope of the Regulation should cover at least 95% of total traffic departing from airports in the Union. For the same reasons, a threshold should be defined to exempt aircraft operators accountable for a very low number of departures from airports located on EU territory.***

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, ***to provide for the necessary flexibility to enable fuel suppliers to provide and airlines to uplift sustainable aviation fuels in the most cost-effective manner, and*** to avoid imposing ***an*** undue burden on air transport operations at small airports, ***a flexibility mechanism should be set up as a transitional phase. In order to prevent undue distortions of competition in the internal market, after that transitional period the requirements laid out in this Regulation should apply equally to all Union airports and to the greatest number of aircraft operators taking off or landing in an Union airport.***

Or. en

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 7

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Development and deployment of sustainable aviation fuels with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This should support creating innovative and competitive fuels

Amendment

(16) Development and deployment of sustainable aviation fuels with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This should support creating innovative and competitive fuels

markets and ensure sufficient supply of sustainable aviation fuels for aviation in short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable aviation fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic aviation fuels should be eligible. In particular, sustainable aviation fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise air transport already in the short term.

markets and ensure sufficient supply of sustainable aviation fuels for aviation in short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable aviation fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic aviation fuels, **and hydrogen and electricity**, should be eligible. In particular, sustainable aviation fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise air transport already in the short term.

Or. en

Justification

It is important to include promising technologies, such as hydrogen and electricity, in the definition of SAF. While for the moment they are not yet commercially available, they are expected to enter the market in the coming decade and should therefore be taken into account and their development further encouraged and accelerated.

Amendment 8

Proposal for a regulation

Recital 19

Text proposed by the Commission

(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

Amendment

(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 synthetic aviation fuels over time. Setting out a dedicated sub-obligation on synthetic aviation fuels is necessary in view of the significant decarbonisation potential of such fuels, and in view of their current estimated production costs. When produced from renewable electricity and carbon captured directly from the air, synthetic aviation fuels can achieve as high as 100% emissions savings compared to conventional aviation fuel. They also have notable advantages compared to other types of sustainable aviation fuels with regards to resource efficiency (in particular for water needs) of the production process. However, synthetic aviation fuels' production costs are currently estimated at 3 to 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.

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

regards to resource efficiency (in particular for water needs) of the production process. However, synthetic aviation fuels' production costs are currently estimated at 3 to 6 times higher than the market price of conventional aviation fuel. Therefore, this Regulation should establish a dedicated sub-obligation for this technology. Other types of synthetic fuels, such as low carbon synthetic fuels achieving high greenhouse gas reductions, could be considered for inclusion in the scope of this Regulation in the course of future revisions, where such fuels become defined under the Renewable Energy Directive.

Or. en

Amendment 9

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Consumer demand can play an important role in the development towards a more sustainable aviation. However, for consumers to be able to make an informed choice, more robust, reliable, independent and harmonised information is needed on the environmental impact of flights. A labelling scheme, with clear and comprehensive information, could provide the needed transparency in the market in order to drive consumers' choices and further incentivise the use of sustainable aviation fuels and other sustainability measures by aircraft operators. The European Union Aviation Safety Agency (EASA) is already responsible for environmental certification of aircraft and has been working together with stakeholders to develop an environmental labelling system for aviation that covers aircraft, aircraft operators and commercial flights as part of the

***Sustainable and Smart Mobility Strategy.
EASA should be tasked with the further
development, implementation and
functioning of such system to ensure
independence, technical robustness and
synergies with other EU measures.***

Or. en

Justification

In order for consumer demand to play a proper role in the development towards a more sustainable aviation and further incentivise the use of SAF, a labelling scheme should be set up to provide the needed transparency in the market with robust, reliable, independent and harmonised information.

Amendment 10

Proposal for a regulation

Recital 20

Text proposed by the Commission

(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.

Amendment

(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 ***and a flexibility mechanism put in place*** to allow the renewable fuels industry to develop production capacity accordingly ***and to allow aviation fuel providers and aircraft operators to meet their obligations in the most cost-effective way, without reducing the overall environmental ambitions of this Regulation.*** The supply of sustainable aviation fuels should become mandatory starting in 2025, ***with the flexibility provided for in the SAF flexibility mechanism.*** 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.

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 11**Proposal for a regulation****Recital 22***Text proposed by the Commission*

(22) ***Airports covered by this Regulation should*** ensure that all the necessary infrastructure is provided for delivery, storage and refuelling of sustainable aviation fuel, so as not to constitute an obstacle with respect to the uptake of such sustainable aviation fuel. If necessary, the Agency should be able to require a Union airport to provide information on the infrastructure available allowing for seamless distribution and refuelling of aircraft operators with sustainable aviation fuels. The role of the Agency should allow airports and airlines to have a common focal point, in the event where technical clarification is necessary on the availability of fuel infrastructure.

Amendment

(22) ***It is important to*** ensure that all the necessary infrastructure is provided for delivery, storage and refuelling of ***liquid, drop-in*** sustainable aviation fuel, so as not to constitute an obstacle with respect to the uptake of such sustainable aviation fuel. ***Airports covered by this Regulation, or, where applicable, the relevant managing body of the centralised infrastructure of the airport as referred to in Article 8 of Council Directive 96/67/EC (“Groundhandling Directive”), should therefore take all necessary measures to facilitate the provision of the infrastructure necessary for the delivery, storage and uplifting of such sustainable aviation fuels and the access of aircraft operators to them.*** If necessary, the Agency should be able to require a Union airport to provide information on the infrastructure available allowing for seamless distribution and refuelling of aircraft operators with sustainable aviation fuels. The role of the Agency should allow airports and airlines to have a common focal point, in the event where technical clarification is necessary on the availability of fuel infrastructure. ***When electric or hydrogen-powered aircrafts become mature and commercially available, it will be necessary for airports covered by this Regulation to take all necessary measures***

to facilitate an appropriate infrastructure for hydrogen and electric recharging for aircrafts, in accordance with the respective deployment plan of the national policy framework, as set out in the proposed Regulation on the deployment of alternative fuels infrastructure.

Or. en

Justification

For the market to develop, it is essential to ensure that the necessary infrastructure is in place in Union airports to uptake SAF. This is especially the case for electric or hydrogen-powered aircrafts, when they will become commercially available.

Amendment 12

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The introduction in the Union of a mandate on the uptake of sustainable aviation fuels could lead to an undue competitive disadvantage for EU airlines operating direct long-haul flights from an Union airport in comparison with their competitors connecting via an airport hub outside the Union. In order to further promote the uptake of sustainable aviation fuels in the Union, while avoiding an undue distortion of the international level playing field, airlines should be entitled to obtain free allowances for the uplifting of sustainable aviation fuels under the ETS scheme. In parallel, the Union should encourage neighbouring countries to adopt similar mandates for sustainable aviation fuels in the framework of bilateral air agreements, in order to provide for a level playing field for international, long-haul flights.

Or. en

Justification

There is a risk that "carbon leakage" will take place by international flights being redirected through airport hubs just outside the Union. In order to mitigate this risk and to avoid an undue distortion of the international level playing field, airlines should be able to claim free ETS-allowances for the uplifting of SAF, that is for the moment considerably more expensive than kerosene.

Amendment 13

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) It is essential that aircraft operators can claim the use of sustainable aviation fuels under greenhouse gas schemes such as the EU Emissions Trading System or CORSIA, depending on the route of their flights. However, it is essential that this regulation should not lead to a double counting of emissions reductions. Aircraft operators should only be allowed to claim benefits for the use of an identical batch of sustainable aviation fuels once. Fuel suppliers should be requested to provide free of charge to aircraft operators any information pertaining to the properties of the sustainable aviation fuel sold to that aircraft operator and that is relevant for reporting purposes by the aircraft operator under this Regulation or greenhouse gas schemes.

Amendment

(27) ***In order to create incentives for the uptake of sustainable aviation fuels, that have a substantial price difference compared with conventional fuels,*** it is essential that aircraft operators can claim the use of sustainable aviation fuels under greenhouse gas schemes such as the EU Emissions Trading System or CORSIA, depending on the route of their flights. However, it is essential that this regulation should not lead to a double counting of emissions reductions. Aircraft operators should only be allowed to claim benefits for the use of an identical batch of sustainable aviation fuels once. Fuel suppliers should be requested to provide free of charge to aircraft operators any information pertaining to the properties of the sustainable aviation fuel sold to that aircraft operator and that is relevant for reporting purposes by the aircraft operator under this Regulation or greenhouse gas schemes.

Or. en

Amendment 14

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) The successful transition to sustainable aviation requires an integrated approach and the appropriate enabling environment to stimulate innovation, involving both public and private investment in research and development, 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. For this purpose, the revenues generated by the penalties should be allocated to a new Sustainable Aviation Fund.

Or. en

Justification

It is important that any revenue will be used specifically to make the aviation sector more sustainable. Therefore, a dedicated Fund has to be established.

Amendment 15

Proposal for a regulation

Recital 31

Text proposed by the Commission

Amendment

(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.

(31) ***A flexibility mechanism should be set up with*** a transitional period of **8** years **from the date of application of this Regulation to fuel suppliers and aircraft operators** to allow **them** a reasonable amount of time 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, **while guaranteeing a high level of**

environmental integrity. That flexibility mechanism will also help safeguarding air-connectivity by preventing less-connected European regions with fewer alternative transport from being disproportionately affected.

Or. en

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 16

Proposal for a regulation

Article 3 – paragraph 1 – indent 1

Text proposed by the Commission

— ‘Union airport’ means an airport as defined in Article 2(2) of Directive 2009/12/EC of the European Parliament and of the Council¹³, ***where passenger traffic was higher than 1 million passengers or where the freight traffic was higher than 100000 tons in the reporting period, and*** is not situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union;

¹³ Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges

Amendment

— ‘Union airport’ means an airport as defined in Article 2(1) of Directive 2009/12/EC of the European Parliament and of the Council¹³, ***which*** is not situated in an outermost region, as listed in Article 349 of the Treaty on the Functioning of the European Union;

¹³ Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges

Or. en

Justification

In order to ensure a level playing field in the internal market, after the transitional period, almost all airports should be included in the scope.

Amendment 17

Proposal for a regulation

Article 3 – paragraph 1 – indent 2

Text proposed by the Commission

— ‘aircraft operator’ means a person that operated at least **729** commercial air transport flights departing from Union airports in the reporting period or, where that person may not be identified, the owner of the aircraft;

Amendment

— ‘aircraft operator’ means a person that operated at least **52** commercial air transport flights departing from Union airports in the reporting period or, where that person may not be identified, the owner of the aircraft;

Or. en

Justification

In order to ensure a level playing field in the internal market, the threshold needs to be lowered so that almost all commercial airlines will be included in the scope.

Amendment 18

Proposal for a regulation

Article 3 – paragraph 1 – indent 5

Text proposed by the Commission

— ‘sustainable aviation fuels’ (‘SAF’) means drop-in aviation fuels that are either synthetic aviation fuels, advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001, or biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, which comply with the sustainability and greenhouse gas emissions criteria laid down in Article 29(2) to (7) of that Directive and are certified in accordance with Article 30 of this Directive;

Amendment

— ‘sustainable aviation fuels’ (‘SAF’) means **either** drop-in aviation fuels that are either synthetic aviation fuels, advanced biofuels as defined in Article 2, second paragraph, point 34 of Directive (EU) 2018/2001, or biofuels produced from the feedstock listed in Part B of Annex IX to that Directive, which comply with the sustainability and greenhouse gas emissions criteria laid down in Article 29(2) to (7) of that Directive and are certified in accordance with Article 30 of this Directive, **or hydrogen or electricity**;

[This is a horizontal amendment. If adopted, the rest of the text will be adapted accordingly]

Or. en

Justification

It is important to include promising technologies, such as hydrogen and electricity, in the definition of SAF. While for the moment they are not yet commercially available, they are expected to enter the market in the coming decade and should therefore be taken into account and their development further encouraged and accelerated.

Amendment 19

Proposal for a regulation

Article 3 – paragraph 1 – indent 16 a (new)

Text proposed by the Commission

Amendment

- ***‘SAF flexibility mechanism’ means a system to be established for a period of 8 years from the date of application of Article 4 and Article 5 in accordance with Article 15 by which the supply and uptake of sustainable aviation fuels is driven by market freedom with flexibility for aircraft operators and aviation fuel suppliers to arrange the distribution and use of sustainable aviation fuels in a cost-effective way at the Union airports of their choice and in proportion with their needs, and that enables aircraft operators to purchase sustainable aviation fuels through contractual arrangements with aviation fuel suppliers and to claim its use at Union airports, where applicable, under a greenhouse gas scheme in accordance with Article [...] of Directive (EU) 2021/0207.***

Or. en

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 20

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

Aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators at each Union airport contains a minimum share of sustainable aviation fuel, including a minimum share of synthetic aviation fuel in accordance with the values and dates of application set out in Annex I.

Amendment

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, including a minimum share of synthetic aviation fuel in accordance with the values and dates of application set out in Annex I.

Or. en

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 21

Proposal for a regulation Article 6 – title

Text proposed by the Commission

Obligations of Union airports to ***provide*** the infrastructure

Amendment

Obligations of Union airports to ***facilitate the provision of*** the infrastructure

Or. en

Justification

In order to allow for different arrangements in airports regarding the fuel infrastructure and the provision of fuels to aircrafts.

Amendment 22

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Union airports shall take necessary measures to facilitate the access of aircraft operators to aviation fuels containing shares of sustainable aviation fuels in accordance with Annex I and, shall **provide** the infrastructure necessary for the delivery, storage and uplifting of such fuels.

Amendment

Union airports shall take **all** necessary measures to facilitate the access of aircraft operators to aviation fuels containing shares of sustainable aviation fuels in accordance with Annex I and, shall **facilitate the provision of** the infrastructure necessary for the delivery, storage and uplifting of such fuels, **including an appropriate infrastructure for hydrogen and electric recharging for aircraft, commensurate with the uptake of such aircraft, in accordance with the respective deployment plan of the national policy framework, as set out in Article 13(l) of Regulation [...] on the deployment of alternative fuels infrastructure.**

Or. en

Justification

The necessary infrastructure for alternative propulsion systems, such as hydrogen- and electricity-based aircrafts, should be put in place, when these technologies become commercially available. Without the appropriate infrastructure in place, airlines will be hesitant to adopt these new technologies. The national policy framework, as set out in the AFIR proposal, should include a deployment plan for this infrastructure at airports, matching the development of these technologies.

Amendment 23

**Proposal for a regulation
Article 6 – paragraph 3**

Text proposed by the Commission

The Agency shall assess the information received and inform the Commission if such information allows to conclude that the Union airport does not fulfil its obligations. Union airports shall take **the** necessary measures to identify and address the lack of adequate airport infrastructure **in 5** years after the entry into force of the Regulation **or after the year when they**

Amendment

The Agency shall assess the information received and inform the Commission if such information allows to conclude that the Union airport does not fulfil its obligations. Union airports shall take **all** necessary measures to identify and address the lack of adequate airport infrastructure **within 3** years after the entry into force of the Regulation.

exceed one of the thresholds in Article 3(a).

Or. en

Justification

It is important that any difficulties encountered to access the necessary aviation fuels are addressed as soon as possible.

Amendment 24

**Proposal for a regulation
Article 7 – paragraph 1 – introductory part**

Text proposed by the Commission

By 31 March of each reporting year, aircraft operators shall report the following information to the Agency:

Amendment

By 31 March of each reporting year, aircraft operators shall report the following information ***relative to the reporting period*** to the Agency:

Or. en

Justification

Technical correction. To align the wording with the other Articles on information provision.

Amendment 25

**Proposal for a regulation
Article 8 – paragraph 1 – introductory part**

Text proposed by the Commission

Aircraft operators shall not claim benefits for the use of an identical batch of sustainable aviation fuels under more than one greenhouse gas scheme. Together with the report referred to in Article 7, aircraft operators shall provide the Agency with:

Amendment

Aircraft operators shall be able to claim the allocation of free allowances under the ETS scheme for the uplifting of sustainable aviation fuels in accordance with Article [3e (new)] of Directive 2003/87/EC. Aircraft operators shall not claim benefits for the use of an identical batch of sustainable aviation fuels under more than one greenhouse gas scheme. Together with the report referred to in Article 7, aircraft operators shall provide

the Agency with:

Or. en

Justification

There is a risk that "carbon leakage" will take place by international flights being redirected through airport hubs just outside the Union. In order to mitigate this risk and to avoid an undue distortion of the international level playing field, airlines should be able to claim free ETS-allowances for the uplifting of SAF, that is for the moment considerably more expensive than kerosene.

Amendment 26

Proposal for a regulation

Article 9 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) where applicable, the volume of hydrogen and/or electricity, supplied to each Union airport.

Or. en

Justification

It is specifically important to collect and report information about the production and uptake of hydrogen and electricity in the aviation sector since these are technologies that are not yet commercially viable, but that could have a big impact on the sustainability of the sector.

Amendment 27

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

(2) Member States shall ensure that any aircraft operator failing to comply with the obligations laid down in Article 5 is liable to an administrative fine. That fine shall be at least twice as high as the multiplication of the yearly average price of aviation fuel per tonne and of the total yearly non-

2. Member States shall ensure that any aircraft operator failing to comply with the obligations laid down in Article 5 is liable to an administrative fine. That fine shall be at least twice as high as the multiplication of the yearly average price of aviation fuel per tonne and of the total yearly non-tanked quantity. ***An aircraft operator may***

tanked quantity;

be exempted from an administrative fine if it can prove that its failure to comply with the obligations laid down in Article 5 is caused by exceptional and unforeseeable circumstances, outside of its control, the effects of which could not have been avoided even if all reasonable measures had been taken;

Or. en

Justification

It is important to give Member States the possibility to allow for a "force majeure" clause (following ECJ judgments C-314/06, C-218/09 and C-99/12), whereby extraordinary circumstances prevent an aircraft operator from meeting the refuelling obligations in a given year.

Amendment 28

Proposal for a regulation
Article 11 – paragraph 7

Text proposed by the Commission

(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.***

Amendment

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 ***Sustainable Aviation Fund, established under Article 11a.***

Or. en

Justification

It is important that any revenue will be used specifically to make the aviation sector more sustainable. Therefore, a dedicated Fund has to be established.

Amendment 29

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Sustainable Aviation Fund

- 1. A Sustainable Aviation Fund ('the Fund') shall be established for the period from 2023 to 2050 to accelerate the decarbonisation of the aviation sector without hampering its highly integrated internal market, and in particular to support investment in innovative technologies and infrastructure for the production, uptake and deployment of sustainable aviation fuels and other innovative aircraft propulsion technologies, including hydrogen and electricity. All investment supported by the Fund shall be made public and shall be consistent with the aims of this Regulation.***
- 2. The Fund shall be managed centrally through a Union body whose governance structure and decision making process shall be transparent and inclusive, in particular in the setting of priority areas, criteria and grant allocation procedures. Relevant stakeholders shall have an appropriate consultative role. All information on the investments and all other relevant information on the functioning of the Fund shall be made available to the public.***

Or. en

Justification

It is important that any revenue will be used specifically to make the aviation sector more sustainable. Therefore, a dedicated Fund has to be established.

Amendment 30

Proposal for a regulation

Article 12 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Where available, the amount of sustainable aviation fuel supplied and purchased by aircraft operators in the neighbouring countries of the Union with which a European Air Services Agreement has been concluded;

Or. en

Justification

There is a risk that "carbon leakage" will take place by international flights being redirected through airport hubs just outside the Union. It is therefore important to collect data on the amount of sustainable aviation fuels supplied and purchased in hubs just outside the Union.

Amendment 31

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Union labelling system for the environmental performance of aviation

- 1. In order to further promote the uptake of sustainable aviation fuels and increase the transparency of information to consumers regarding the environmental performance by aircraft operators, the Commission shall set up a comprehensive Union labelling system for the environmental performance of aviation, to be developed and implemented by EASA and applied to aircraft operators and commercial air transport flights falling under the scope of this Regulation.***
- 2. By 1 January 2024, the Commission shall adopt a delegated act in***

accordance with Article 13a (new) to supplement this Regulation by setting out the detailed provisions for the functioning of the Union labelling system for the environmental performance of aircrafts, aircraft operators and commercial flights.

Or. en

Justification

In order for consumer demand to play a proper role in the development towards a more sustainable aviation and further incentivise the use of SAF, a labelling scheme should be set up, that would provide the needed transparency in the market with robust, reliable, independent and harmonised information.

Amendment 32

**Proposal for a regulation
Article 13 – title**

Text proposed by the Commission

Amendment

Transitional period

SAF flexibility mechanism

Or. en

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 33

**Proposal for a regulation
Article 13 – paragraph 1**

Text proposed by the Commission

Amendment

By way of derogation from Article 4, ***from 1 January 2025 until 31 December 2029***, for each reporting period, an aviation fuel supplier ***may*** supply ***the minimum share*** of sustainable aviation ***fuel*** defined in Annex I ***as a weighted average over all the***

By way of derogation from Article 4, ***and during 8 years from the date of application for Article 4 and 5 in accordance with Article 15***, for each reporting period, an aviation fuel supplier ***or an aircraft operator may justify its***

aviation fuel it supplied across Union airports for that reporting period.

supply *and uplift* of sustainable aviation fuels defined in Annex I *by reference to a SAF flexibility mechanism, defined in Article 3, indent 16a (new).*

Or. en

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 34

**Proposal for a regulation
Article 13 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 13a to supplement this Regulation by laying down detailed arrangements for the SAF flexibility mechanism, including possible arrangements regarding the registration, allocation, accounting and reporting of the supply and uptake of sustainable aviation fuels, guaranteeing a high level of environmental integrity.

Or. en

Justification

It is important to allow for some flexibility to allow the distribution and uptake of sustainable aviation fuels to take place in a more cost-effective way. Therefore, a flexibility system should be put in place during a transitional period for the ramp-up of the mandate.

Amendment 35

**Proposal for a regulation
Article 13 a (new)**

Article 13a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Articles 12a and 13 shall be conferred on the Commission for an indeterminate period of time from [the entry into force of this Regulation].***
- 3. The delegation of power referred to in Articles 12a and 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.***
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 6. A delegated act adopted pursuant to Articles 12a and 13 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That***

period shall be extended by one month at the initiative of the European Parliament or of the Council.

Or. en

Amendment 36

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

By 1 January **2028** and every **five** years thereafter, the Commission services shall present a report to the European Parliament and the Council, on the evolution of the aviation fuels market and its impact on the aviation internal market of the Union, including regarding the possible extension of the scope of this Regulation to other energy sources, and other types of synthetic fuels defined under the Renewable Energy Directive, the possible revision of the minimum shares in Article 4 and Annex I, and the level of administrative fines. The report shall include information, where available, on development of a potential policy framework for uptake of sustainable aviation fuels at ICAO level. The report shall also inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to sustainable aviation fuels, including with regards to the reduction of non-CO₂ emissions. The report *may consider if* this Regulation *should be amended and, options for amendments*, where appropriate, in line with a potential policy framework on sustainable aviation fuels uptake at ICAO level.

Amendment

By 1 January **2027** and every **three** years thereafter, the Commission services shall present a report to the European Parliament and the Council, on the evolution of the aviation fuels market and its impact on the aviation internal market of the Union, including regarding the possible extension of the scope of this Regulation to other energy sources, and other types of synthetic fuels defined under the Renewable Energy Directive, the possible revision of the minimum shares in Article 4 and Annex I, and the level of administrative fines. The report shall include ***an assessment, based on available information, of the impact of this Regulation on the functioning of the internal market in aviation and the international level playing field with regards to air carriers and airport hubs and***, where available, ***information*** on development of a potential policy framework for uptake of sustainable aviation fuels at ICAO level. ***The report shall in particular assess the evolution of the production and uptake of synthetic aviation fuels and assess whether further measures are needed, including the possibility of allowing Member States to set higher objectives at national level for synthetic aviation fuels derived from renewable sources, without hampering the integrity of both the market for sustainable aviation fuels and the aviation***

internal market. The report shall also inform on technological advancements in the area of research and innovation in the aviation industry which are relevant to sustainable aviation fuels, including with regards to the reduction of non-CO₂ emissions. The report **shall be accompanied by legislative proposals to amend** this Regulation where appropriate, in line with a potential policy framework on sustainable aviation fuels uptake at ICAO level.

Or. en

Justification

The market for sustainable aviation fuels is changing rapidly. It is therefore important that the Commission reports regularly to the co-legislators about the technological developments and regularly revisits whether the legal framework is still fit for purpose. It is also important for the Commission to regularly review whether this Regulation leads to any undue negative effects with regards to the European internal market and the international competitiveness of both European airlines and airport hubs.

Amendment 37

Proposal for a regulation Annex I – title

Text proposed by the Commission

Amendment

Annex I (volume shares)

Annex I (**EU harmonised** volume shares)

Or. en

Amendment 38

Proposal for a regulation Annex I – point a

Text proposed by the Commission

Amendment

(a) From 1 January 2025, a minimum share of 2% of SAF;

(a) From 1 January 2025, a minimum share of 2 % of SAF, **of which a minimum share of 0.03 % of synthetic fuels;**

Justification

Synthetic fuels are very promising technologies, but face still important technical challenges and are therefore not widely available yet. In order to further incentivise their development and production, the sub-mandate should start already from 2025 onwards, but at a modest level.