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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.9.2008
COM(2008) 548 final

2006/0304 (COD)

OPINION OF THE COMMISSION
pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty, on the
European Parliament's amendments to the Council's Common Position regarding the
proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2003/87/EC so as to include aviation activities in the scheme for
greenhouse gas emission allowance trading within the Community

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250(2) of the EC Treaty

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European Parliament's amendments to the Council's Common Position regarding the
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greenhouse gas emission allowance trading within the Community

(Text with EEA relevance)

1. BACKGROUND

Procedure

On 20 December 2006 the Commission submitted a Proposal for a Directive to include aviation in the EU Emissions Trading Scheme to the European Parliament and the Council for adoption by co-decision procedure as laid down in Article 251 of the EC Treaty.

The European Economic and Social Committee delivered its opinion on 31 May 2007.

The Committee of the Regions delivered its opinion on 10 October 2007.

The European Parliament adopted its position in first reading on 13 November 2007.

The Council adopted its Common Position on 18 April 2008.

The European Parliament adopted its position in second reading on 8 July 2008.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The aim of the Commission proposal is to address the growing climate impact attributable to aviation by including aviation in the Community emissions trading scheme. It is part of a comprehensive approach to reducing the climate change impact of aviation as set out in document COM (2005)459 final of 27 September 2005.

3. COMMISSION COMMENTS

3.1 General

At its Plenary Session of 8 July 2008, the European Parliament adopted a compromise package consisting of 30 amendments which had been agreed with the Council in view of reaching a second reading agreement.

These main amendments concern:

- the total quantity of allowances to be allocated to the aviation sector
- the percentage of allowances to be auctioned;
- the use of revenues generated from the auctioning of allowances;
- the operation of the special reserve for fast growing operators;
- the timing and content of the review of the provisions of the Directive; and
- the exclusions from the scheme, including the de minimis exemption.

The Commission accepts all these amendments as they are in line with the overall purpose and the general characteristics of the Proposal. The Commission takes note of the agreement between the Council and the Parliament regarding the possibility to increase the levels of auctioning from 2013 in the context of the ETS review, where the Commission's position is set out in COM(2008)16. The Commission position remains that the level of auctioning in the aviation sector should be 20% in 2013.

3.2 Amended Proposal

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its Proposal as set out above.