



TEXTS ADOPTED

P9_TA(2022)0297

Sustainable aviation fuels (ReFuelEU Aviation Initiative) *I**

Amendments adopted by the European Parliament on 7 July 2022 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))¹

(Ordinary legislative procedure: first reading)

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0199/2022).

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(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, particularly within the Union aviation internal market. Growth in air transport services has significantly contributed to improving connectivity within the Union **and** with third countries, and has been a significant enabler of the Union economy.

Amendment

(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, **as well as one of the main connector 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 with third countries, and has been a significant enabler of the Union economy.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(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. At the same time, emissions from the sector have been increasing since 1990 and the trend of increasing emissions could return as we overcome the pandemic. Therefore, it is

Amendment

(2) **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, has to take rapid steps to decarbonise. For the aviation sector, this necessitates a strong ramp-up of the**

necessary to prepare for the future and make the necessary adjustments ensuring a well-functioning air transport *market* that contributes to achieving the Union's climate goals, with high levels of connectivity, safety and security.

production, supply and uptake of sustainable aviation fuels. From 2020, air transport has been one of the hardest hit sector by the COVID-19 crisis. 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 estimates per annum growth in Europe of up to 3 % a year until 2050 for passenger traffic, and 2.4 % for freight traffic*. 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 *imperative* to prepare for the future and make the necessary adjustments ensuring a well-functioning air transport *sector* that contributes *fully* to achieving the Union's climate goals, with high levels of connectivity, *affordability*, safety and security.

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(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 air transport *external* policy is governed by rules established at global level at the International Civil Aviation Organisation (ICAO), *as well as by* comprehensive multilateral or bilateral agreements between the Union or its Member States, and third countries.

Amendment

(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 policy is governed by rules established at global level at the International Civil Aviation Organisation (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 sustainable aviation fuels,*

while providing for an international level playing field.

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The air transport market is subject to strong competition between economic actors 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 opportunities. Where market distortions occur, **they risk putting** aircraft operators or airports **at** a disadvantage with internal or external competitors. In turn, this can result in a loss of competitiveness of the air transport industry, and a loss of air connectivity for citizens and businesses.

Amendment

(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, aircraft operators or airports **are put at risk for** 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.

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

(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

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(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. Variations in fuel prices can affect significantly aircraft operators' economic performance and negatively impact competition on the market. 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 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.

aircraft operators' costs. Variations in fuel prices can affect significantly aircraft operators' economic performance and negatively impact competition on the market, ***reduce the attractiveness of the aviation sector and therefore mobility, with high fuel prices translating directly into high end-consumer fares***. 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 ***for economic reasons*** 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 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. ***Nevertheless, this Regulation should also take into account the fact that fuel tankering at times occurs in order to comply with fuel safety rules and in such cases is justified by safety reasons. 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 should therefore closely monitor, evaluate and analyse cases of fuel tankering and their underlying reasons and, where appropriate, come forwards with legislative proposals to amend this Regulation.***

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

(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 and protection of the environment. Sustainable development of air transport requires the introduction of measures aimed at reducing the carbon emissions from aircraft flying from Union airports. Such measures should contribute to meeting the Union's climate objectives by 2030 and 2050.

Amendment

(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, ***compliance with labour and social regulations***, 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 sustainable aviation fuels***. Such measures should contribute to meeting the Union's climate objectives by 2030 and 2050.

Amendment 7

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

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, ***and a clear commitment from 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.

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.

Whereas new technologies, **including the development of zero-emission electric- or hydrogen-powered aircrafts**, 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 **a promising** solution for significant decarbonisation of all flight ranges, **both** in the short **and in the medium and long term**. However, this potential is currently largely untapped **and needs support over time for the further development and deployment of sustainable aviation fuels and for research into new aircraft engines and technologies**.

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.

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 8

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The overarching principle of energy efficiency first should be implemented across all sectors, going beyond the energy system to include the transport sector, including aviation. In particular, it should be integral to policy, planning and investment decisions related to the deployment of more energy efficient engines and sustainable alternative fuels and technologies, including as regards the rapid development of planes propelled by renewable electricity or green hydrogen.

Amendment 9

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.**

Amendment 10

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***.

Amendment 11

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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

Amendment

(10) At global level, sustainable aviation fuels are regulated ***and defined*** 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

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.

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. **Currently**, such provisions do not impose on contracting parties any binding requirements on the use of sustainable aviation fuels.

Amendment 12

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(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 sustainable aviation fuels, the Union external aviation policy should take a global lead in the shift towards the use of sustainable fuels, engage in international negotiations to harmonise definitions and standards of sustainable air fuels and promote international convergence on the rules concerning the production, uptake and uplift of sustainable aviation fuels. It is therefore important that the Union sustains its efforts at ICAO and strives for an ambitious global system that promotes a global market for sustainable aviation fuels and provides for an international level playing field. The Commission and Member States should therefore advocate at the ICAO General Assembly to immediately start negotiations for an ambitious global policy framework at ICAO level for the uptake of sustainable aviation fuels. Once such a global policy framework is adopted, the Commission should ensure that the provisions of this Regulation are compatible, consistent and complementary to the global framework and the international standards, thereby

securing a coherent implementation and a level playing field at international level. In addition, the Commission and Member States should aim to ensure that comprehensive multilateral and bilateral air transport and air services agreements integrate equivalent, binding provisions on a blending mandate for the uptake of sustainable aviation fuels. 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.

Amendment 13

Proposal for a regulation

Recital 12

Text proposed by the Commission

(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. In particular, the present Regulation aims to avoid a fragmentation of the aviation market, prevent possible competitive distortions between economic actors, or unfair practices of cost avoidance as regards the refuelling of aircraft operators.

Amendment

(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 sustainable fuels in aviation***. 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 ***and promote innovation and production in the Union. Targeted support and financing is required from Union and national levels, as well as incentivising public and private partnerships to accelerate the uptake of sustainable aviation fuels.***

Amendment 14

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 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.***

Amendment

(15) The present Regulation ***should not apply to aircraft engaged in operations for humanitarian, search, rescue, disaster relief or medical purposes, since 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. This Regulation*** should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights. It should not apply to military ***aircrafts or to aircrafts*** engaged in customs, police and fire-fighting operations. In order to cater for a level playing field across the EU aviation single market ***and to favour the development of the SAF market and the necessary infrastructure for SAF across the entire EU, it*** should cover ***all*** 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, including book & claim elements, 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 in the long term to all Union airports and to all commercial aircraft operators taking off or landing in a Union airport.***

Amendment 15

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(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.

Amendment 16

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) It is essential that the pool of eligible sustainable feedstock be as inclusive as possible, in order to maximise the potential for scaling up the production of sustainable aviation fuels at affordable costs. The list of feedstock eligible under the present Regulation should not be static but evolving over time to include new sustainable feedstock. For that purpose, in line with article 28(6) of Directive (EU) 2018/2001, the Commission should review at least every two years the list of feedstock set out in Parts A and B of Annex IX with a view to adding new feedstock. New feedstock

added to Annex IX should become directly eligible for production of sustainable aviation fuels under the present Regulation.

Amendment 17

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) For sustainability reasons, feed and food crop-based fuels 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

Amendment

(17) For sustainability reasons, feed and food crop-based fuels, ***including high indirect land-use change risk biofuels such as those derived from palm oil,*** 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

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.

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.

Amendment 18

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(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, fuel suppliers are responsible to provide the correct information with regards to the characteristics of the fuel supplied, its sustainability characteristics and the origin of feedstock used in the production of the fuel. That information is reported in the Union Database, established under Article 28 of Directive (EU) 2018/2001 (the Renewable Energy Directive). 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 have to ensure that 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 and since a substantial part of the feedstock needed for the production of sustainable aviation fuels comes from outside the Union, it is necessary for Member States, in cooperation with the relevant European bodies, to strengthen the control mechanism for shipments, including by carrying out on-site inspections. In this respect, the Commission will publish an Implementing Regulation 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.

Amendment 19

Proposal for a regulation Recital 18

Text proposed by the Commission

(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 2018/2001¹².

Amendment

(18) 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 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 2018/2001¹².

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=fr>

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=fr>

Amendment 20

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 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

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. ***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

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.

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. ***Furthermore, synthetic aviation fuels with CO₂ derived from direct air capture (DAC) can play an important role due to their ability to sustainably source carbon and should be further promoted.***

Amendment 21

Proposal for a regulation Recital 19 a (new)

(19a) The availability of feedstock and the production capacity of sustainable aviation fuel 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. In order to ensure a level playing field and avoid a fragmentation of the internal market, harmonised requirements should apply across the Union about the minimum shares of SAF uptake. However, while ensuring the achievement of these EU harmonised volume shares in accordance with Annex I, Member States may take national measures, supportive policies and initiatives aiming at increasing the level of production and uptake of sustainable aviation fuels, including synthetic aviation fuels, on their territory, for instance by providing financial support. Such national actions should be transparent, non-discriminatory, proportionate and of a general nature open to all enterprises. Furthermore, as this Regulation does not define a maximum share of sustainable aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels uptake and supply in their overall network of operations, while avoiding fuel tankering. To this end, airlines and fuel suppliers could, by means of contractual arrangements, agree on mutual commitments to produce, supply and purchase predetermined quantities of sustainable aviation fuels, including those exceeding the minimum volume shares set out in Annex I. Such contractual arrangements may also cover liability and establish conditions for financial compensation in cases of non-delivery.

**Proposal for a regulation
Recital 19 b (new)**

Text proposed by the Commission

Amendment

(19b) 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, in line with the Sustainable and Smart Mobility Strategy Action Plan. To this end, a comprehensive Union labelling system for the environmental performance of aviation should be established that can provide users of aviation services clear, transparent, comprehensive, user-friendly and easily understandable information about the environmental performance of aviation. This will drive consumers' choices and further promote 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. 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.

Amendment 23

**Proposal for a regulation
Recital 20**

Text proposed by the Commission

Amendment

(20) It is essential to ensure that the

(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.

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 **start** 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.

Amendment 24

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) With the introduction and ramp-up of sustainable aviation fuels at Union airports, practices of fuel tankering may be exacerbated as a consequence of aviation fuel costs increases. Tankering practices are 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

Amendment

(21) With the introduction and ramp-up of sustainable aviation fuels at Union airports, practices of fuel tankering **for economic reasons** may be exacerbated as a consequence of aviation fuel costs increases. Tankering practices **for economic reasons** are 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

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 in all aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels uptake and supply in their overall network of operations, while avoiding fuel tankering.

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 in all aviation fuels, airlines and fuel suppliers may pursue more ambitious environmental policies with higher sustainable aviation fuels uptake and supply in their overall network of operations, while avoiding fuel tankering. ***To ensure a level playing field both for intra-EU and extra-EU flights, the Commission should regularly monitor, evaluate and report on fuel tankering cases.***

Amendment 25

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The further uptake of sustainable aviation fuels, 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. 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, EASA should monitor the aromatics and sulphur content of conventional aviation fuels. The Commission should, by 1 January 2025 at the latest, present a report to the European Parliament and to the Council assessing possible measures, including, where appropriate, legislative proposals and fuel quality standards, to optimise the aromatic content in aviation fuel.

Amendment 26

Proposal for a regulation Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) In addition to its climate warming effects, aviation also negatively impacts air quality. The most significant pollutants are particulate matter (PM), including ultra-fine particles, nitrogen oxides (NOX) and volatile organic compounds (VOCs), with some of these primary pollutants producing other pollutants^{1a}. While more research is needed on the health effects of ultrafine particles, several studies have demonstrated short-term and long-term effects of exposure to ultrafine particles, including mortality, cardiovascular, ischemic heart disease and pulmonary morbidity^{1b}. Air pollution also contributes to biodiversity loss through damage to ecosystems.

^{1a} EASA, aviation and air pollution:
<https://www.easa.europa.eu/eaer/topics/adapting-changing-climate/air-quality>

^{1b} WHO Global Air Quality Guidelines 2021:
<https://apps.who.int/iris/bitstream/handle/10665/345329/9789240034228-eng.pdf?sequence=1&isAllowed=y>

Amendment 27

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 sustainable aviation fuel, ***as well as continued and uninterrupted access for fuel suppliers to transport fuel infrastructure,*** so as not to constitute an obstacle with respect to the uptake of such sustainable aviation fuel. ***This Regulation should take due account of the diverse governance models for airports across the Union. In this regard, airports covered by this Regulation, or, where applicable, the relevant managing body to which the centralised infrastructure of the airport has been reserved by the Member State concerned as referred to in Article 8 of Council Directive 96/67/EC (“Groundhandling Directive”), should therefore take all necessary measures to provide the infrastructure necessary for the delivery, storage and uplifting of such sustainable aviation fuels and the access of aircraft operators to them. Where the ultimate responsibility for providing the fuel infrastructure at Union airport is assumed, pursuant contractual arrangements, by an entity other than the Union airport, or where applicable, the managing body of an airport, that entity should be responsible under the contractual arrangement for complying with the obligation under Article 6 of this Regulation.*** 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. Furthermore, the provision of electricity supply to stationary aircraft should be ensured, inline with Article 12 of Regulation XXX [AFIR Regulation].

Amendment 28

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Many Union airports are supplied with aviation fuel principally via pipelines from refineries or blending stations where SAF blending to meet safety and sustainability specifications needs to take place. Member States should 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 sustainable aviation fuels. Delivering SAF to Union airports in sufficient quantities to meet the provisions set out in Annex I by alternate means such as by road/ truck from refineries and blending stations is logistically, practically and from a cost and CO2 penalty perspective infeasible. It will be essential to use these pipelines in addition to pipelines owned by fuel suppliers - where they exist - as well as rail facilities already in place, in order to deliver the minimum SAF required under this Regulation.

Amendment 29

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Aircraft operators should also be required to report yearly on their actual aviation fuel uplift per Union airport, so as to prove that no fuel tankering was performed. Reports should be verified by independent verifiers and transmitted to the Agency for monitoring and assessment of compliance. Verifiers should determine the accuracy of the yearly aviation fuel required reported by the operators using a tool approved by the Commission.

Amendment

(24) Aircraft operators should also be required to report yearly on their actual aviation fuel uplift per Union airport, so as to prove that no fuel tankering **for economic reasons** was performed. Reports should be verified by independent verifiers and transmitted to the Agency for monitoring and assessment of compliance. Verifiers should determine the accuracy of the yearly aviation fuel required reported by the operators using a tool approved by the Commission.

Amendment 30

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 a 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, for which prices are predicted to have a substantial price difference compared to conventional fuel in the foreseeable future, airlines should be able to claim free allowances for the uplifting of sustainable aviation fuels under the ETS scheme.

Amendment 31

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 promote 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.

Amendment 32

Proposal for a regulation

Recital 28

Text proposed by the Commission

(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 administrative fines, the authorities should take into account the evolution of the price of aviation fuel and

Amendment

(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 administrative fines ***and other penalties,*** the authorities should take into account the evolution of the price of

sustainable aviation fuel in the reporting year;

aviation fuel and sustainable aviation fuel in the reporting year **and may also take into account the degree of non-compliance, for example in the case of repeated infringements.**

Amendment 33

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) The penalties for the suppliers who fail to meet the targets set in this Regulation should be complemented by the obligation to supply the market with the shortfall of meeting the quota in the subsequent year;

Amendment

(29) The penalties for the suppliers who fail to meet the targets set in this Regulation should be complemented by the obligation to supply the market with the shortfall of meeting the quota in the subsequent year. ***Nevertheless, in order to avoid an undue dual penalty in cases that are outside the direct control of the fuel supplier, the obligation to supply the market with the shortfall should not apply when the Commission assesses that this shortfall is caused by insufficient resources being available.***

Amendment 34

Proposal for a regulation Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) 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 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 penalties under this Regulation should be allocated to a new Sustainable Aviation Fund. Furthermore, the setting up, on a voluntary basis and under the coordination of the Commission, of a European SAF Alliance, within one year after the entry into force of this Regulation, could help foster the further development and scaling-up of SAF production in Europe, inter alia by bringing together the entire industrial value chain, encouraging the roll-out of the most innovative technologies and identifying policies and market developments, taking into consideration the principle of technology neutrality.

Amendment 35

Proposal for a regulation Recital 29 b (new)

Text proposed by the Commission

Amendment

(29b) Research and innovation will play a substantial role in the development of sustainable and synthetic aviation fuels and the production capacity building. A respective investment priority should be clearly set within the relevant Union funding programmes identified by the Commission.

Amendment 36

Proposal for a regulation Recital 29 c (new)

Text proposed by the Commission

Amendment

(29c) The development and production of sustainable aviation fuels has to be exponentially increased in the coming years. The Union and the Member States should invest in the research and production of sustainable aviation fuel projects as they present both an

environmental and an industrial opportunity. The production of sustainable air fuels should be concentrated inside the Union, creating industrial, labour and research opportunities in all the Member States.

Amendment 37

Proposal for a regulation

Recital 30

Text proposed by the Commission

(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, the effectiveness of key features of the Regulation such as the minimum shares of sustainable aviation fuels, the level of administrative fines or policy developments on sustainable aviation fuels uptake at international level. Such elements are key to provide a clear state of play of the sustainable aviation fuels market and should be taken into account when considering a revision of the Regulation.

Amendment

(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, the effectiveness of key features of the Regulation such as the minimum shares of sustainable aviation fuels, the level of administrative fines or policy developments on sustainable aviation fuels uptake at international level, ***taking due account of the “one in, one out” principle and the aim of regulatory simplification.*** Such elements are key to provide a clear state of play of the sustainable aviation fuels market and should be taken into account when considering a revision of the Regulation.

Amendment 38

Proposal for a regulation

Recital 31

Text proposed by the Commission

(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

Amendment

(31) ***A flexibility mechanism should be set up with*** a transitional period of 10 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, ***elements of a book &***

may be used to compensate for lower shares of sustainable aviation fuels or for the reduced availability of conventional aviation fuel at *other* airports.

claim system may be used, allowing aviation fuel suppliers to use fuel containing higher shares of sustainable aviation fuel compensate for lower shares of sustainable aviation fuels or for the reduced availability of conventional aviation fuel at *minor or logistically constrained* airports, *and for aircraft operators to buy a certificate linked to the amount of SAF acquired, while guaranteeing a high level of environmental integrity. That flexibility mechanism would also help to safeguard air-connectivity by preventing less connected European regions with fewer alternative transport from being disproportionately affected. In order to prevent market players from abusing any possible dominant market position, during this transitional period the Commission should make full use of its competition powers under Article 102 TFEU. After that transitional period of 10 years, in order to prevent undue distortions of competition in the internal market, all Union airports covered by this Regulation should be supplied with uniform minimum shares of sustainable aviation fuels.*

Amendment 39

Proposal for a regulation Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) In order to achieve the Union's climate targets for 2030 and 2050 and the target of 1,5 °C of the Paris Agreement, the Commission should develop a roadmap on how and when fossil free aviation is achieved.

Amendment 40

Proposal for a regulation Recital 31 b (new)

Text proposed by the Commission

Amendment

(31b) The transition to sustainable aviation fuels 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.

Amendment 41

Proposal for a regulation Article 1 – title

Text proposed by the Commission

Amendment

Subject matter

Subject matter ***and objective***

Amendment 42

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation shall apply to aircraft operators, Union airports, and to aviation fuel suppliers.

This Regulation shall apply to aircraft operators, Union airports, ***or where applicable, the managing body of an airport,*** and to aviation fuel suppliers.

Amendment 43

Proposal for a regulation Article 3 – paragraph 1 – indent 1

Text proposed by the Commission

Amendment

— ‘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***

— ‘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 ***or an airport situated in***

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

an outermost region which has been notified as a Union airport to the Commission, the Agency and the competent authorities.

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

Amendment 44

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 a person that operated air transport flights departing from a Union airport, which has requested the Commission to be treated as an aircraft operator for the purpose of this Regulation and has informed accordingly the Commission, the Agency and the competent authorities;*

Amendment 45

Proposal for a regulation Article 3 – paragraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

- ‘*managing body of the airport*’ - means a managing body within the meaning of Article 3 of Directive 96/67/EC, or another body to which the Member State concerned has reserved the management of the centralised infrastructures for fuel distribution systems pursuant to Article 8 of Directive 96/67/EC;

Amendment 46

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 aviation fuels that are either: synthetic aviation fuels, ***liquid and gaseous fuels that are produced from waste processing gas and exhaust gas of non-renewable origin which are produced as an unavoidable and unintentional consequence of the production process in industrial installations, as referred to in Article 2, second paragraph, point 35 of Directive (EU) 2018/2001, which comply with the greenhouse gas emissions savings threshold referred to in Article 25(2), second subparagraph of that Directive***, 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. ***Until 31 December 2034 sustainable aviation fuels may also include biofuels which comply with the sustainability and greenhouse gas emissions criteria laid down in Article 29 of Directive (EU) 2018/2001 and are certified in accordance with Article 30 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;***

Amendment 47

Proposal for a regulation

Article 3 – paragraph 1 – indent 8

Text proposed by the Commission

— ‘synthetic aviation fuels’ means 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;

Amendment

— ‘synthetic aviation fuels’ means ***renewable hydrogen or renewable electricity or*** 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.

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – indent 9 a (new)

Text proposed by the Commission

Amendment

— ***‘electricity from renewable energy sources’ or ‘renewable electricity’ means electricity produced from renewable energy sources as defined in Article 2, second paragraph, point 1 of Directive (EU) 2018/2001;***

Amendment 49

Proposal for a regulation

Article 3 – paragraph 1 – indent 9 b (new)

Text proposed by the Commission

Amendment

— ***‘hydrogen from renewable energy sources’ or ‘renewable hydrogen’ means hydrogen produced from renewable electricity or from fuels that are renewable liquid or gaseous fuels of non-biological origin, as defined in Article 2, second paragraph, point 36 of Directive (EU) 2018/2001;***

Amendment 50

Proposal for a regulation

Article 3 – paragraph 1 – indent 13

Text proposed by the Commission

— ‘yearly aviation fuel required’ means the amount of aviation fuel necessary to operate the totality of commercial air transport flights operated by an aircraft operator, departing from a given Union airport, over the course of a reporting period;

Amendment

— ‘yearly aviation fuel required’ means the amount of aviation fuel ***defined as ‘trip fuel’ and ‘taxi fuel’ under Commission Implementing Regulation 2021/1296*** necessary to operate the totality of commercial air transport flights operated by an aircraft operator, departing from a given Union airport, over the course of a reporting period;

Amendment 51

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 10 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. Such system, incorporating elements of a book & claim scheme, may enable 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.***

Amendment 52

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 134

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment 53

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

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.

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.

Amendment

The following sustainable aviation fuels shall be excluded from the calculation of the minimum shares of sustainable aviation fuels set out in Annex I:

Sustainable aviation fuels made from food and feed crops, intermediate crops, palm fatty acid distillate and all palm and soy-derived materials, and soap stock and its derivatives.

Amendment

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 ***report the shortfall, and the reasons for it, to the European Union Aviation Safety Agency. Where the Commission assesses that this shortfall is not caused by lack of resource availability, the fuel supplier shall make every possible effort to*** at least complement that shortfall in the subsequent

reporting period.

Amendment 54

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 55

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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.

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, ***taking into account the necessary compliance with fuel safety rules.***

Amendment 56

Proposal for a regulation Article 6 – title

Text proposed by the Commission

Amendment

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

Obligations to provide infrastructure ***at Union airports***

Amendment 57

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, ***or where applicable, the managing body of an airport*** 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 provide the infrastructure necessary for the delivery, storage and uplifting of such fuels, ***including an appropriate infrastructure for hydrogen refuelling and electric recharging for aircrafts, commensurate with the uptake of those 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 [AFIR].***

Amendment 58

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

Where aircraft operators report difficulties to the European Union Aviation Safety Agency ('the Agency') in accessing aviation fuels containing sustainable aviation fuels at a given Union airport for lack of adequate airport infrastructure, the Agency ***may*** request the Union airport to provide the information necessary to prove compliance with paragraph 1. The Union airport concerned shall provide the information without undue delay.

Amendment

Where aircraft operators report difficulties to the European Union Aviation Safety Agency ('the Agency') in accessing aviation fuels containing sustainable aviation fuels at a given Union airport for lack of adequate airport infrastructure, the Agency ***shall, where appropriate,*** request the Union airport, ***or where applicable, the managing body of the airport,*** to provide the information necessary to prove compliance with paragraph 1. The Union airport ***or where applicable, the managing body of the airport,*** concerned shall provide the information without undue delay.

Amendment 59

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

Amendment

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

Amendment 60

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:

Amendment 61

Proposal for a regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) The total amount of aviation fuel uplifted at each Union airport, expressed in tonnes;

Amendment

(a) The total amount of aviation fuel uplifted at each Union airport, expressed in tonnes ***of kerosene equivalent***;

Amendment 62

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) The yearly aviation fuel required, per

Amendment

(b) The yearly aviation fuel required, per

Union airport, expressed in tonnes;

Union airport, expressed in tonnes *of kerosene equivalent*;

Amendment 63

Proposal for a regulation

Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) The total amount of sustainable aviation fuel purchased from aviation fuel suppliers, for the purpose of operating their flights departing from Union airports, expressed in tonnes.

Amendment

(d) The total amount of sustainable aviation fuel purchased from aviation fuel suppliers, for the purpose of operating their flights departing from Union airports, expressed in tonnes *of kerosene equivalent*.

Amendment 64

Proposal for a regulation

Article 7 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

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

Amendment 65

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

Amendment

Aircraft operators shall be entitled to claim the allocation of free allowances under the ETS scheme for the uplifting of

one greenhouse gas scheme. Together with the report referred to in Article 7, aircraft operators shall provide the Agency with:

sustainable aviation fuels in accordance with [Article 3c(5a)] 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:

Amendment 66

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

For the purpose of reporting sustainable aviation fuels use 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 information free of charge.

Amendment

For the purpose of reporting sustainable aviation fuels use 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 information ***relative to the reporting period*** free of charge ***not later than 31 January of each reporting year.***

Amendment 67

Proposal for a regulation Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

By 31 ***March*** of each reporting year, 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:

Amendment

By 31 ***January*** of each reporting year, 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:

Amendment 68

Proposal for a regulation Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) The **volume** of aviation fuel supplied at each Union airport;

Amendment

(a) The **amount** of aviation fuel supplied at each Union airport, ***expressed in tonnes of kerosene equivalent***;

Amendment 69

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 70

Proposal for a regulation

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) The lifecycle emissions, origin of feedstock and conversion process of each sustainable aviation fuel type supplied at Union airports.

Amendment

(c) The lifecycle emissions, ***characteristics and*** origin of feedstock and conversion process of each sustainable aviation fuel type supplied at Union airports.

Amendment 71

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) where applicable, the amount of hydrogen and/or electricity, supplied at each Union airport, expressed in tonnes of kerosene equivalent.

Amendment 72

Proposal for a regulation
Article 9 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) The average aromatic, naphthalene and sulphur content of aviation fuel per each batch supplied at each Union airport.

Amendment 73

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

(1) Member States shall designate the competent authority or authorities responsible for enforcing the application of this Regulation and for imposing the fines **for** aircraft operators, Union airports **and** fuel suppliers. Member States shall inform the Commission thereof.

(1) Member States shall designate the competent authority or, **where applicable and in accordance with national law,** authorities responsible for enforcing the application of this Regulation and for imposing the fines **on** aircraft operators, **on** Union airports, **or where applicable, on the managing bodies of airports, and on** fuel suppliers. Member States shall inform the Commission thereof.

Amendment 74

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

(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 and aviation fuels suppliers for which the authorities are competent pursuant to paragraphs 3, 4 and 5.

(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 **authority or** authorities data aggregated for the aircraft operators and aviation fuels suppliers for which the authorities are competent pursuant to paragraphs 3, 4 and 5.

Amendment 75

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

(3) The competent authorities in respect of an aircraft operator shall be determined pursuant to Commission Regulation (EC) No 748/2009¹⁶.

¹⁶ 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

Amendment 76

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

(4) The competent authorities in respect of Union airports shall be determined on the basis of the respective territorial jurisdiction.

Amendment 77

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

(5) The competent authorities in respect of aviation fuel suppliers shall be determined pursuant to their Member State of establishment.

Amendment 78

Proposal for a regulation
Article 11 – paragraph 1

Amendment

(3) The competent ***authority or*** authorities in respect of an aircraft operator shall be determined pursuant to Commission Regulation (EC) No 748/2009¹⁶.

¹⁶ 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

Amendment

(4) The competent ***authority or*** authorities in respect of Union airports shall be determined on the basis of the respective territorial jurisdiction.

Amendment

(5) The competent ***authority or*** authorities in respect of aviation fuel suppliers shall be determined pursuant to their Member State of establishment.

Text proposed by the Commission

(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. **Member States** shall **notify** these provisions to **the Commission** by 31 December 2023 at the latest and shall notify it without delay of any subsequent amendment affecting them.

Amendment 79

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

(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;

Amendment 80

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Amendment

(1) **The Commission** shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Regulation and **Member States** shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. **The Commission** shall **deliver** these provisions to **Member States** by 31 December 2023 at the latest and shall notify it without delay of any subsequent amendment affecting them.

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 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 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;***

Text proposed by the Commission

Amendment

(2a) Member States shall ensure that any Union airport, or where applicable, the managing body of an airport, failing to comply with the obligations laid down in Article 6 is liable to an administrative fine.

Amendment 81

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

Amendment

(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 is liable to an administrative fine. That fine shall be ***at least*** twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and sustainable aviation fuel per tonne and of the quantity of aviation fuels not complying with the minimum share referred to in Article 4 and Annex I;

(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 ***or any fuel supplier that has been proven to have provided misleading or inaccurate information regarding the characteristics or origin of the fuel it supplied,*** is liable to an administrative fine. That fine shall be twice as high as the multiplication of the difference between the yearly average price of conventional aviation fuel and sustainable aviation fuel per tonne and of the quantity of aviation fuels not complying with the minimum share referred to in Article 4 and Annex I;

Amendment 82

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

Amendment

(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 is liable to an administrative fine. That fine shall be ***at least*** twice as

(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 is liable to an administrative fine. That fine shall be twice as high as the

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;

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;

Amendment 83

Proposal for a regulation

Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Member States shall have the necessary legal and administrative framework in place at national level to ensure that information entered by fuel suppliers in the Union Database referred to in Article 28 of Directive (EU) 2018/2001 is accurate, verified and audited.

Amendment 84

Proposal for a regulation

Article 11 – paragraph 6

Text proposed by the Commission

Amendment

(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 or of synthetic 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 obligation shall not exonerate the fuel supplier from the obligation to pay the penalties laid out in paragraphs 3 and 4 of this Article;

(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 or of synthetic fuels in a given reporting period, ***where the Commission assesses that this shortfall is not caused by insufficient resources being available,*** shall ***make every possible effort to*** 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 obligation shall not exonerate the fuel supplier from the obligation to pay the penalties laid out in paragraphs 3 and 4 of

this Article;

Amendment 85

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.

Amendment 86

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, deployment and storage of sustainable aviation fuels, other innovative aircraft propulsion technologies, including hydrogen and electricity, research for new engines and direct air capture technology, a process by which CO₂ is captured directly from the air and not from point sources, and efforts to reduce the non-CO₂ effects of aviation. All investment supported by the

Fund shall be made public and shall be consistent with the aims of this Regulation.

2. The Fund shall constitute an integral part of the EU budget and shall be budgeted within the MFF ceilings. The revenues generated by the penalties under this Regulation should be allocated to the Fund.

3. 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.

Amendment 87

Proposal for a regulation Article 12 – paragraph 1 – point a

Text proposed by the Commission

(a) The amount of sustainable aviation fuel purchased by aircraft operators at Union level in aggregate, for use on flights departing from a Union airport, and by Union airport;

Amendment

(a) The amount of sustainable aviation fuel 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;

Amendment 88

Proposal for a regulation Article 12 – paragraph 1 – point b

Text proposed by the Commission

(b) The amount of sustainable aviation fuel and of synthetic aviation fuel supplied at Union level in aggregate and by Union airport;

Amendment

(b) The amount of sustainable aviation fuel and of synthetic aviation fuel supplied at Union level in aggregate, **by Member State, per type of fuel feedstock**, and by

Union airport;

Amendment 89

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;

Amendment 90

Proposal for a regulation

Article 12 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) The state of the market, including price information, and trends in sustainable aviation fuel production and use in the Union;

(c) The state of the market, including price information, and trends in sustainable aviation fuel production and use in the Union ***and per Member State***;

Amendment 91

Proposal for a regulation

Article 12 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) The status of compliance of airports regarding obligations set out in Article 6;

(d) The status of compliance of airports, ***or where applicable, the managing body of an airport***, regarding obligations set out in Article 6;

Amendment 92

Proposal for a regulation

Article 12 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) The compliance status of each aircraft operator and aviation fuel supplier having an obligation under this Regulation in the reporting period, ***including those that have been notified as aircraft operator, pursuant to Article 3, paragraph 1, indent 2;***

Amendment 93

Proposal for a regulation Article 12 – paragraph 1 – point f

Text proposed by the Commission

(f) The origin and the characteristics of all sustainable aviation fuels purchased by aircraft operators for use on flights departing from Union airports.

Amendment

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

Amendment 94

Proposal for a regulation Article 12 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) The average aromatic, naphthalene and sulphur content of aviation fuel supplied at Union level in aggregate and by Union airport.

Amendment 95

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 decarbonisation of the aviation sector 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, which shall apply to aircraft operators and commercial air transport flights subject to 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 and technical standards for the functioning of the Union labelling system for the environmental performance of aircrafts, aircraft operators and commercial flights.

Amendment 96

Proposal for a regulation Article 13 – title

Text proposed by the Commission

Amendment

Transitional period

SAF flexibility mechanism

Amendment 97

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

By way of derogation from Article 4, ***and during the period of 10 years from the date of application for Article 4 and 5 in accordance with Article 15***, for each reporting period, an aviation fuel supplier may ***justify its*** supply of sustainable aviation ***fuels*** defined in Annex I ***by reference to a SAF flexibility mechanism, defined in Article 3, indent 16a (new).***

Amendment 98

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

Text proposed by the Commission

Amendment

By 1 January 2025, the Commission shall adopt delegated acts in accordance with Article 13a to supplement this Regulation by laying down detailed arrangements for the SAF flexibility mechanism, guaranteeing a level playing field and a high level of environmental integrity, as well as minimising the risk of fraud, irregularities and double claiming. Such detailed arrangements, incorporating elements of a book & claim scheme, may enable the setting up of a system of tradability of sustainable aviation fuel, including detailed rules regarding the registration, allocation, accounting and reporting of the supply and uptake of sustainable aviation fuels.

Amendment 99

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

Text proposed by the Commission

Amendment

During the period set out in paragraph 1, the Commission shall regularly monitor the integrity and transparency of the market for sustainable aviation fuels, drawing, where appropriate, on information contained in the Union Database and other data reported to the competent authorities. The Commission shall in particular examine the functioning of the market, including with regard to any market volatility, unusual price evolution or trading behaviour of market participants that might indicate possible monopolistic behaviour, making full use of its powers under Article 102

TFEU to prevent actors on the market from abusing a dominant market position.

Amendment 100

Proposal for a regulation Article 13 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 101

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 **2026** and every **three** years thereafter, the Commission services shall present a report to the European Parliament and the Council, on the **application of this Regulation, the** evolution of the aviation fuels market and **the** impact on **the competitiveness and the functioning** of the aviation internal market of the Union, including, **where appropriate, available policy options to address** other energy sources, and other types of synthetic fuels defined under the Renewable Energy Directive, **while taking due account of the principle of technological neutrality**, the possible revision of **the SAF definition and** the minimum shares in Article 4 and Annex I, **the scope of the Regulation** and the level of administrative fines. The report shall include **an assessment, based on available information, of the impact of this Regulation, as well as its comprehensive impact and interplay with the adapted legislative framework applicable to the sector as a whole, on the functioning of the internal market in aviation, the sector's competitiveness, possible re-routing leading to carbon leakage, the international level playing field with regards to air carriers and airport hubs, the effect on air mobility and connectivity, cost effectiveness of GHG emissions reductions, investment needs and**

*socioeconomic impacts as well as the related employment and training needs and, where available, information on development of a potential policy framework for uptake of sustainable aviation fuels at ICAO level. **The report shall include detailed information on the enforcement of this Regulation.** 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 **or direct air capture (DAC) technologies.** The report shall, where appropriate, 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. **The report shall also specifically evaluate the impact of this Regulation on the air-connectivity of less connected remote regions and islands, including its effects on the availability and affordability of air transport to and from these territories. The Commission shall regularly monitor, evaluate and analyse cases of fuel tankering. Every year, the Commission shall submit a report containing its findings to the European Parliament and the Council. At the latest by three years after the date of entry into force of this Regulation, the Commission shall, on the basis of these findings, evaluate the provisions concerning fuel tankering and, where appropriate, submit a legislative proposal to amend those.***

Amendment 102

Proposal for a regulation Annex I

Text proposed by the Commission

Annex I (volume shares)

(a) From 1 January 2025, a minimum

Amendment

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

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

share of 2% of SAF;

(b) From 1 January 2030, a minimum share of **5%** of SAF, of which a minimum share of **0.7%** of synthetic aviation fuels;

(c) From 1 January 2035, a minimum share of 20% of SAF, of which a minimum share of 5% of synthetic aviation fuels;

(d) From 1 January 2040, a minimum share of **32%** of SAF, of which a minimum share of **8%** of synthetic aviation fuels;

(e) From 1 January 2045, a minimum volume share of **38%** of SAF, of which a minimum share of **11%** of synthetic aviation fuels;

(f) From 1 January 2050, a minimum volume share of **63%** of SAF, of which a minimum share of **28%** of synthetic aviation fuels;

share of 0,04 % of synthetic fuels;

(b) From 1 January 2030, a minimum share of **6%** of SAF, of which a minimum share of **2%** of synthetic aviation fuels;

(c) From 1 January 2035, a minimum share of 20% of SAF, of which a minimum share of 5% of synthetic aviation fuels;

(d) From 1 January 2040, a minimum share of **37%** of SAF, of which a minimum share of **13%** of synthetic aviation fuels;

(e) From 1 January 2045, a minimum volume share of **54%** of SAF, of which a minimum share of **27%** of synthetic aviation fuels;

(f) From 1 January 2050, a minimum volume share of **85%** of SAF, of which a minimum share of **50%** of synthetic aviation fuels;

Amendment 103

Proposal for a regulation

Annex II

<i>Text proposed by the Commission</i>					
Annex II – Template for aircraft operator reporting					
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>Amendment</i>					
Annex II – Template for aircraft operator reporting					
Union airport	ICAO code of Union airport	Yearly aviation fuel required (tonnes <i>of kerosene equivalent</i>)	Actual aviation fuel uplifted (tonnes <i>of kerosene equivalent</i>)	Yearly non-tanked quantity (tonnes <i>of kerosene equivalent</i>)	Total yearly non-tanked quantity (tonnes <i>of kerosene equivalent</i>)

Template 2

<i>Fuel supplier</i>	<i>Amount purchased (tonnes of kerosene equivalent)</i>	<i>Conversion technology</i>	<i>Characteristics</i>	<i>Origin of feedstock</i>	<i>Lifecycle emissions</i>
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