

## ETS Abstimmung - Gewonnene Elemente für sichere Arbeitsplätze

- Mehr Luft zum Atmen für die Industrie im Vergleich zum Kommissionsvorschlag, indem die einmalige Kürzung der Zertifikate im Jahr 2024 von 120 auf 70 Millionen reduziert wird, wobei die restlichen 50 Millionen auf 2026 verschoben werden, während das Ziel für 2030 weiterhin erreicht wird (im Plenum durchgesetzt).
- Volle Ausfuhrerstattungen für die Industriezweige in den CBAM-Sektoren (im Plenum durchgesetzt).
- Fairer und funktionierender Markt: Marktzugangsbeschränkungen für Unternehmen, die verpflichtet sind, Zertifikate für ihre Emissionen abzugeben, oder in ihrem Namen handelnde Finanzakteure (im Plenum durchgesetzt); schnelleres Eingreifen in den Markt bei übermäßigen Preisschwankungen; bessere Überwachung des Marktes, um Manipulationen zu verhindern.
- Aufstockung des Modernisierungsfonds um 2,5 %, zusätzlich zu den bestehenden 2 %.
- Aufstockung des Klima-Investitionsfonds mit Vorfinanzierung in den ersten Jahren, Unterstützung von Innovationen aber auch der Umsetzung bereits existierender innovativer Technologien in größerem Maßstab sowie von CO<sub>2</sub>-Differenzverträgen.
- 3 Unterstützungsmaßnahmen, um Investitionen der Industrie in Innovation und Dekarbonisierung zu belohnen (Bonussystem, längere Verfügbarkeit von kostenlosen Zuteilungen, keine Kürzungen der kostenlosen Zuteilungen).
- Seeverkehr im ETS:
  - neuer Meeresfonds zur Unterstützung von Investitionen der maritimen Industrie und Dekarbonisierung;
  - Ausnahmeregelungen für Regionen in äußerster Randlage und Schiffe mit Eisklasse (im Plenum durchgesetzt);
  - starke Maßnahmen zum Schutz vor Carbon Leakage (im Plenum durchgesetzt);
- Benchmark-Ausnahmeregelungen für die Industrie, insbesondere (aber nicht nur) für die Stahlindustrie (im Plenum durchgesetzt).
- ETS-2-Kompromiss: Ausschluss der privaten Gebäudeheizung und des privaten Straßenverkehrs mindestens bis 2029 und vorbehaltlich einer künftigen Folgenabschätzung und eines neuen Legislativvorschlags im Mitentscheidungsverfahren; Preisobergrenze von 55 Euro;

Kostenüberwälzungsgrenze von 50 %, um die Kosten gleichmäßig zwischen Brennstofflieferanten und Endverbrauchern zu verteilen.

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16.6.2022

A9-0162/677

**Amendment 677**

**Peter Liese**

on behalf of the PPE Group

**Jytte Guteland**

on behalf of the S&D Group

**Emma Wiesner**

on behalf of the Renew Group

**Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10**

Directive 2003/87/EC

Article 9 – paragraph 3

*Text proposed by the Commission*

In [the year following entry into force of this amendment], the Union-wide quantity of allowances shall be decreased by [~~million allowances~~ *(to be determined depending on year of entry into force)*]. **In the same year**, the Union-wide quantity of allowances shall be **increased by 79 million allowances for maritime transport**. **Starting** in [the year following entry into force of this amendment], the linear factor shall be **4,2 %**. The Commission shall publish the Union-wide quantity of allowances within 3 months of [date of entry into force of the amendment to be inserted].;

*Amendment*

In [the year following entry into force of this amendment], the Union-wide quantity of allowances shall be decreased by **70 million allowances**. **In 2026**, the Union-wide quantity of allowances shall be **decreased by 50 million allowances**. In [the year following entry into force of this amendment], the **Union-wide quantity of allowances shall be increased by [the number of allowances corresponding to the scope of application of the EU ETS to maritime transport activities as set out in Article 3g] million allowances for maritime transport**. **Starting in 2024**, the linear factor shall be **4,4 % until the end of 2025**. **Starting in 2026**, the linear factor shall be **4,5 %**. **Starting in 2029**, the linear factor shall be **4,6%**. The Commission shall publish the Union-wide quantity of allowances within 3 months of [date of entry into force of the amendment to be

inserted].;

Or. en

Export Rebates

**Amendment 527**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 12 – point b**

Directive 2003/87/EC

Article 10a – paragraph 1a – subparagraph 2 c (new)

*Text proposed by the Commission*

*Amendment*

*By way of derogation from the first subparagraph, an installation shall, upon request, receive an amount of free allocations corresponding to the emissions resulting from the quantity of goods it exports which are covered by [CBAM Regulation], taking into account the emissions embedded in a similar product in the third country pursuant to Articles 7, 8 and 9 of [CBAM Regulation]. The rules for transitional free allocation under this Article and Article 10b shall apply to the allocation.*

Or. en

15.6.2022

A9-0162/528

**Amendment 528**

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**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**A9-0162/2022**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**Proposal for a directive**

**Article 1 – paragraph 1 – point 12 – point b**

Directive 2003/87/EC

Article 10a – paragraph 1a – subparagraphs 2 d (new) and 2 e (new)

*Text proposed by the Commission*

*Amendment*

*In order to ensure a level playing field, by way of derogation from the first and second subparagraphs, the production in the Union of products listed in Annex I to Regulation [CBAM] shall continue to receive free allocation equal to 100 %, provided such products are intended for export to third countries without carbon pricing mechanisms similar to the EU ETS.*

*By ... [one year before the end of the transitional period as set out in Regulation [CBAM]], the Commission may present a report to the European Parliament and to the Council in which it shall provide a detailed assessment of the effects of the EU ETS and CBAM on the production in the Union of products listed in Annex I to Regulation [CBAM] that are intended for export to third countries and on the development of global emissions, as well as an assessment of the WTO compatibility of the provisions in the third subparagraph of this paragraph. The Commission shall, where necessary, accompany that report with a legislative proposal to adjust the provisions in that subparagraph in a way that equalizes the costs of CO<sub>2</sub> arising from the production*

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*in the Union of products listed in Annex I to Regulation [CBAM] that are intended for export to third countries without carbon pricing mechanisms similar to the EU ETS in a way that is WTO compatible by ... [the end of the transitional period as set out in Regulation [CBAM]].*

Or. en

## Price Volatility, Market Access, Transparency

15.6.2022

A9-0162/572

### Amendment 572

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

### Report

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

A9-0162/2022

### Proposal for a directive

**Article 1 – paragraph 1 – point 19 c (new)**

Directive 2003/87/EC

Article 29a

*Present text*

*Amendment*

*(19c) Article 29a is replaced by the following:*

Article 29a

"Article 29a

Measures in the event of excessive price fluctuations

Measures in the event of excessive price fluctuations

1. If, for more than six consecutive months, the allowance price is more than **three times** the average price of allowances during the two preceding years on the European carbon market, the Commission

1. If, for more than six consecutive months, the **average** allowance price is more than **twice** the average price of allowances during the two preceding years on the European carbon market, the

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shall immediately convene a meeting of the Committee established by Article 9 of Decision No 280/2004/EC.

2. If the price evolution referred to in paragraph 1 does not correspond to changing market fundamentals, *one* of the following measures *may be adopted*, taking into account the degree of price evolution:

(a) a measure which allows Member States to bring forward the auctioning of a part of the quantity to be auctioned;

(b) a measure which allows Member States to auction up to 25 % of the remaining allowances in the new entrants reserve.

Those measures shall be adopted in accordance with the management procedure referred to in Article 23(4).

3. Any measure shall take utmost account of the reports submitted by the Commission to the European Parliament and to the Council pursuant to Article 29, as well as any other relevant information provided by Member States.

4. The arrangements for the application of these provisions shall be laid down in the acts referred to in Article 10(4).

Commission shall immediately, *and no later than seven days after that point in time*, convene a meeting of the Committee established by Article 9 of Decision No 280/2004/EC *to assess whether the price evolution referred to in this paragraph corresponds to changing market fundamentals*.

2. If the price evolution referred to in paragraph 1 does not correspond to changing market fundamentals, *any* of the following measures *shall be taken, as a matter of urgency*, taking into account the degree of price evolution:

*(-a) the release of 100 million allowances covered by this Chapter from the market stability reserve in accordance with Article 1(7) of Decision (EU) 2015/1814, to be equally distributed within auctions during a period of six months;*

(a) a measure which allows Member States to bring forward the auctioning of a part of the quantity to be auctioned *in a subsequent calendar year*;

(b) a measure which allows Member States to auction up to 25 % of the remaining allowances in the new entrants reserve.

Those measures shall be adopted in accordance with the management procedure referred to in Article 23(4).

3. Any measure shall take utmost account of the reports submitted by the Commission to the European Parliament and to the Council pursuant to Article 29, as well as any other relevant information provided by Member States.

4. The arrangements for the application of these provisions shall be laid down in the acts referred to in Article 10(4). "

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15.6.2022

A9-0162/573

**Amendment 573**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**A9-0162/2022**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**Proposal for a directive**

**Article 1 – paragraph 1 – point 19 d (new)**

Directive 2003/87/EC

Article 29a a (new)

*Text proposed by the Commission*

*Amendment*

xx

*(19d) the following article is inserted:*

*“Article 29aa*

*1. The access to the EU ETS market shall be limited to entities that are installations, aviation and maritime operators with compliance obligations under the EU ETS.*

*2. By way of derogation from paragraph 1, financial intermediaries purchasing allowances for the account of the installation and not for their own account shall have access to the EU ETS market.*

*3. The Commission shall assess whether Article 6(5) of Regulation (EU) No 1031/2010<sup>1a</sup> is compatible with the provisions of this Article, and, where necessary, submit a legislative proposal to amend that Regulation.”;*

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*<sup>1a</sup> Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive*

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*2003/87/EC of the European Parliament  
and of the Council establishing a system  
for greenhouse gas emission allowances  
trading within the Union (OJ L 302  
18.11.2010, p. 1)*

Or. en

15.6.2022

A9-0162/520

**Amendment 520**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**A9-0162/2022**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**Proposal for a directive**

**Article 1 – paragraph 1 – point 11 – point d c (new)**

Directive 2003/87/EC

Article 10 – paragraph 5 b (new)

*Text proposed by the Commission*

*Amendment*

*(dc) the following paragraph is added:*

*“5b. ESMA shall regularly monitor the integrity and transparency of the European emission allowance markets as well as related derivative markets. It shall on a regular basis publish a report on the integrity and transparency of those markets, drawing, as necessary, on the Union registry data and the data reported or made available to the competent authorities. In that report, ESMA shall in particular examine the functioning of the markets in light of any market volatility and price evolution, the operation of the auctions and trading operations on the markets, liquidity and the volumes traded, and the categories and trading behaviour of market participants. That report shall, where relevant, include recommendations*

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*to strengthen market integrity and improve market transparency. Those recommendations shall, in particular, consider measures to enhance the information available to market participants and the public at large on the functioning of the emission allowance markets and related derivative markets, improve regulatory reporting and market monitoring in emission allowance markets and related derivative markets, promote the prevention and detection of market abuse and help in maintaining orderly markets for emission allowances and related derivatives.*

*The Commission shall assess the recommendations referred to in the first subparagraph of this paragraph in the next report submitted pursuant to paragraph 5 following the publication of ESMA's report. The Commission shall, where appropriate, accompany that report with a legislative proposal to improve the transparency and integrity of the emission allowance markets and related derivative markets, taking into account the Union-wide nature of those markets.”*

Or. en

## 2,5% Top Up Modernisation Fund

15.6.2022

A9-0162/509

### **Amendment 509**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

### **Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

### **Proposal for a directive**

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**Article 1 – paragraph 1 – point 11 – point a**  
Directive 2003/87/EC  
Article 10 – paragraph 1 – subparagraph 3 a

*Text proposed by the Commission*

In addition, 2,5 % of the total quantity of allowances between *[year following the entry into force of the Directive]* and 2030 shall be auctioned for the Modernisation Fund. The beneficiary Member States for this amount of allowances shall be the Member States with a GDP per capita at market prices below 65 % of the Union average during the period 2016 to 2018. The funds corresponding to this quantity of allowances shall be distributed in accordance with Part B of Annex IIb.

*Amendment*

In addition, 2,5 % of the total quantity of allowances between **2024** and 2030 shall be auctioned for the Modernisation Fund. The beneficiary Member States for this amount of allowances shall be the Member States with a GDP per capita at market prices below 65 % of the Union average during the period 2016 to 2018. The funds corresponding to this quantity of allowances shall be distributed in accordance with Part B of Annex IIb. ***The additional quantity of allowances referred to in this subparagraph shall, where appropriate, also be used to fund cross-border projects with the beneficiary Member States and the adjacent low-growth border regions.***

***In addition, 0,5 % of the total quantity of allowances between ... [the year following the entry into force of this amending Directive] and 2030 shall be made available for the Climate Investment Fund established under Article 10a(8).***

Or. en

Climate Investment Fund

15.6.2022

A9-0162/534

**Amendment 534**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

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**Proposal for a directive**  
**Article 1 – paragraph 1 – point 12 – point g**

Directive 2003/87/EC  
Article 10a – paragraph 8 – subparagraph 1

*Text proposed by the Commission*

**365** million allowances from the quantity which could otherwise be allocated for free pursuant to this Article, and **85** million allowances from the quantity which could otherwise be auctioned pursuant to Article 10, as well as the allowances resulting from the reduction of free allocation referred to in Article 10a(1a), shall be made available to **a** Fund **with** the objective of supporting innovation in **low-carbon** technologies **and processes**, and contribute to zero pollution objectives (**the ‘Innovation Fund’**). Allowances that are not issued to aircraft operators due to the closure of aircraft operators and which are not necessary to cover any shortfall in surrenders by those operators, shall also be used for innovation support as referred to in the first subparagraph.

*Amendment*

**390** million allowances from the quantity which could otherwise be allocated for free pursuant to this Article, and **110** million allowances from the quantity which could otherwise be auctioned pursuant to Article 10, as well as the **allowances referred to in Article 10(1), fifth subparagraph, shall be made available to a Fund (the ‘Climate Investment Fund’)**. **In addition, any** allowances resulting from the reduction of free allocation referred to in Article 10a(1a), shall **also** be made available to **the Climate Investment Fund**. **The Climate Investment Fund shall have** the objective of supporting innovation in **techniques, processes and technologies that contribute significantly to the decarbonisation of the sectors covered by this Directive** and contribute to zero pollution **and circularity** objectives, **as well as the scaling up of techniques, processes and technologies that may no longer be considered innovative, but nevertheless possess a significant greenhouse gas emissions abatement potential and contribute to energy and resource savings in line with the Union’s climate and energy targets for 2030. To foster innovation in breakthrough technologies as soon as possible, the Commission shall ensure that a share of the financing made available through the Climate Investment Fund is ‘frontloaded’ during the period from ... to ... [the first five years of the implementation of this amending Directive]**. Allowances that are not issued to aircraft operators due to the closure of

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aircraft operators and which are not necessary to cover any shortfall in surrenders by those operators, shall also be used for innovation support as referred to in the first subparagraph.

Or. en

15.6.2022

A9-0162/538

**Amendment 538**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**A9-0162/2022**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**Proposal for a directive**

**Article 1 – paragraph 1 – point 12 – point g**

Directive 2003/87/EC

Article 10a – paragraph 8 – subparagraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

*The Climate Investment Fund may also support CCDs to support decarbonisation technologies for which the carbon price might not be a sufficient incentive. The Commission shall adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the rules on the operation of CCDs by 31 December 2023.*

*Financial support from the Climate Investment Fund shall be proportionate to the policy objectives set out in this Article and shall not lead to undue distortions of the internal market. To this end, funds shall only be granted to cover additional costs or investment risks that cannot be borne by investors under normal market conditions. Accordingly, aid from the Climate Investment Fund shall not lead to unfair discrimination with regard to*

*competing imported products, as required under WTO rules.*

*Where the EU ETS price is higher than the strike price at which the project has been awarded, the beneficiary shall pay back the difference to the Climate Investment Fund.*

Or. en

## Bonus System, Longer Availability of Free Allocation, No Cuts in Free Allocation

15.6.2022

A9-0162/522

### Amendment 522

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

### Report

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

### Proposal for a directive

**Article 1 – paragraph 1 – point 12 – point a – point i**

Directive 2003/87/EC

Article 10a – paragraph 1 – subparagraph 2a

#### *Text proposed by the Commission*

In the case of installations covered by the obligation to conduct an energy audit under Article 8(4) of Directive 2012/27/EU of the European Parliament and of the Council(\*) [Article reference to be updated with the revised Directive], free allocation shall only be granted fully if the recommendations of the audit report are implemented, to the extent that the pay-back time for the relevant investments does not exceed **five** years and that the costs of those investments are proportionate. Otherwise, the amount of free allocation shall be reduced **by 25 %**. The amount of

#### *Amendment*

In the case of installations covered by the obligation to conduct an energy audit **or implement a certified energy management system** under Article 8(4) of Directive 2012/27/EU of the European Parliament and of the Council(\*) [Article reference to be updated with the revised Directive], free allocation shall only be granted fully if the recommendations of the audit report **or of the certified energy management system** are implemented, to the extent that the pay-back time for the relevant investments does not exceed **eight** years and that the costs of those investments are proportionate.

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free allocation shall not be reduced if an operator demonstrates that it has implemented other measures which lead to greenhouse gas emission reductions equivalent to those recommended by the audit report. The measures referred to in the first subparagraph shall be adjusted accordingly.

Otherwise, the amount of free allocation shall be reduced ***in accordance with the ninth and tenth subparagraphs of this paragraph***. The amount of free allocation shall not be reduced if an operator demonstrates that it has implemented other measures which lead to greenhouse gas emission reductions equivalent to those recommended by the audit report ***for the installation concerned***. The measures referred to in the first subparagraph ***of this paragraph*** shall be adjusted accordingly.

***In addition to the requirements set out in the third subparagraph of this paragraph, by 1 July 2025, operators in sectors or subsectors eligible for free allocation of allowances pursuant to Articles 10a and 10b shall establish a decarbonisation plan for each of their installations for its activities covered by this Directive. That plan shall be consistent with the climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119 and any relevant sectoral roadmaps prepared in accordance with Article 10 of that Regulation and shall set out:***

***(a) measures and related financial and investment plans for each installation to reach the necessary emission reductions consistent with the climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119 and any relevant sectoral roadmaps prepared in accordance with Article 10 of that Regulation at installation level, excluding the use of carbon offset credits;***

***(b) intermediate targets and milestones to measure, by 31 December 2025 and by 31 December of each subsequent year until 2050, progress made towards reaching climate-neutrality as set out in point (a);***

***(c) an estimate of the impact of each of the measures and related financial and***

*investment plans referred to in point (a) as regards the reduction of greenhouse gas emissions and the targets and milestones referred to in point (b);*

*(d) measures to address the implications for re- and up-skilling of the workforce, including through social dialogue, in accordance with national law and practice, in order to ensure a just transition.*

*Member States may provide financial support to operators for the implementation of their decarbonisation plans referred to in the fourth subparagraph. Such support shall not be considered illegal State aid.*

*The attainment of the targets and milestones referred to in the fourth subparagraph, point (b), shall be verified by 31 December 2025 and by 31 December of each subsequent year until 2050, in accordance with the verification and accreditation procedures provided for in Article 15.*

*If no decarbonisation plan has been established in accordance with the fourth subparagraph or if the milestones and targets in that plan have not been attained, the amount of free allocation shall be reduced in accordance with the ninth and tenth subparagraphs.*

*The Commission, supported by the European Scientific Advisory Board on Climate Change, is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by setting out the minimal content and format of the decarbonisation plans referred to in the fourth subparagraph of this paragraph, in particular as regards the benchmarks for the targets and milestones referred to in point (b) of that subparagraph. The establishment and adoption of the delegated acts shall involve all relevant*

*stakeholders.*

*Where the requirements in either the third subparagraph or the fourth subparagraph have not been fulfilled, free allocation shall be reduced by:*

*(a) 50 % for the installations whose greenhouse gas emission levels are above the average of the 10 % least efficient installations in a sector or subsector in the Union for the relevant product benchmarks;*

*(b) 30 % for installations whose greenhouse gas emission levels are below the average of the 10 % least efficient installations in a sector or subsector in the Union for the relevant product benchmarks and above the average of the 50 % most efficient installations in that sector or subsector;*

*(c) 25 % for installations whose greenhouse gas emission levels are above the average of the 10 % most efficient installations in a sector or subsector in the Union for the relevant product benchmarks and below the average of the 50 % most efficient installations in that sector or subsector.*

*Where the requirements in neither the third subparagraph nor the fourth subparagraph have been fulfilled, the percentages set out in the ninth subparagraph, points (a), (b) and (c), shall be doubled.*

*An additional free allocation of 10 % of the applicable benchmark value shall be given to installations whose greenhouse gas emission levels are below the average of the 10 % most efficient installations in a sector or subsector in the Union for the relevant product benchmarks, provided allowances are available in accordance with the twelfth subparagraph.*

*For the purpose of the additional free allocation referred to in the eleventh subparagraph, any allowances that are not allocated due to a reduction of free allocation in accordance with the ninth and tenth subparagraphs shall be used.*

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\* Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

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\* Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Or. en

15.6.2022

A9-0162/490

### **Amendment 490**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

### **Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2003/87/EC

Article 2 – paragraph 1

#### *Text proposed by the Commission*

1. This Directive shall apply to the activities listed in Annexes I and III, and to the *of* greenhouse gases listed in Annex II. Where an installation that is included in the scope of the EU ETS due to the operation of combustion units with a total rated thermal input exceeding 20 MW changes its production processes to reduce its greenhouse gas emissions and no longer meets that threshold, *it shall* remain in the

#### *Amendment*

1. This Directive shall apply to the activities listed in Annexes I and III, and to the greenhouse gases listed in Annex II. Where an installation that is included in the scope of the EU ETS due to the operation of combustion units with a total rated thermal input exceeding 20 MW changes its production processes to reduce its greenhouse gas emissions and no longer meets that threshold *or no longer emits*

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scope of the EU ETS until the end of the **relevant** five year period referred to in Article 11(1), second subparagraph, following the change to its production process.

**greenhouse gases, the operator of that installation may decide that the installation is to** remain in the scope of the EU ETS until the end of the **next** five year period referred to in Article 11(1), second subparagraph, following the change to its production process.

**By 31 December 2025, the Commission shall assess, and submit a report to the European Parliament and to the Council on, the inclusion of installations with a total rated thermal input below 20 MW in the scope of the EU ETS in the next period. That report shall be accompanied, where appropriate, by a legislative proposal to include such installations.**

Or. en

## Maritime ETS: Ocean Fund, Outermost Regions, Ice-Class Ships, Carbon Leakage

15.6.2022

A9-0162/501

### Amendment 501

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

### Report

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

### Proposal for a directive

**Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Article – 3g b (new)

*Text proposed by the Commission*

*Amendment*

**Article 3gab**

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## *Ocean Fund*

**1. A fund ('the Ocean Fund') shall be established to support projects and investments referred to in paragraph 4. 75 % of the revenues generated from the auctioning of allowances referred to in Article 3g shall be used through the Ocean Fund. Furthermore, any external assigned revenues referred to in Article 21(2) of Regulation (EU) .../... [FuelEU Maritime] shall be allocated to the Ocean Fund and used in accordance with paragraph 4.**

**2. Shipping companies may pay an annual membership contribution to the Ocean Fund in accordance with their total emissions reported for the preceding calendar year under Regulation (EU) 2015/757 to limit the administrative burden for shipping companies, including small and medium-sized companies and companies that are not frequently active within the scope of this Directive. The Ocean Fund shall surrender allowances collectively on behalf of shipping transport companies that are members of the Ocean Fund. The membership contribution per tonne of emissions shall be set by the Ocean Fund by 28 February each year, but shall be at least equal to the highest recorded primary or secondary market settlement price for allowances in the preceding year.**

**3. The Ocean Fund shall be managed centrally through a Union body. The governance structure of the Ocean Fund shall be similar to and ensure synergy with the governance structure of the Climate Investment Fund established under Article 10a(8), applying, where relevant, the rules for governance and support as laid down in that Article. The Ocean Fund's governance structure and decision-making process shall be**

*transparent and inclusive, in particular in relation to the setting of priority areas, criteria and grant allocation procedures. Relevant stakeholders shall have an appropriate consultative role. All information on the projects and investments supported by the Ocean Fund and all other relevant information on the functioning of the Ocean Fund shall be made available to the public.*

**4. Funds provided under the Ocean Fund shall support the transition to an energy efficient and climate resilient Union maritime sector and be used to support projects and investments in relation to the following:**

**(a) improvement of the energy efficiency of ships and ports;**

**(b) innovative technologies and infrastructure for decarbonising the maritime transport sector, including as regards short sea shipping and ports, including connections to electricity grids in ports;**

**(c) deployment of sustainable alternative fuels, such as hydrogen, e-fuels and ammonia, that are produced from renewable energy, including through carbon contracts for difference (CCDs);**

**(d) zero-emission propulsion technologies, including wind technologies;**

**(e) research and development and the first industrial application of technologies and designs reducing greenhouse gas emissions, including innovative technologies and fuels for ice-class ships and winter navigation in frozen areas;**

**(f) priority shall be given to projects that promote innovation in the sector, such as technologies that not only lead to decarbonisation but, inter alia, also**

*reduce the risk of noise, air and maritime pollution;*

*(g) contributing to a just transition in the maritime sector through training, upskilling and reskilling of the existing workforce and preparation of the next generation maritime workforce.*

*15 % of the Ocean Fund shall be used to contribute to the protection, restoration and better management of marine ecosystems impacted by global warming, such as marine protected areas, and to promote a crosscutting sustainable blue economy, such as renewable marine energy.*

*All investment supported by the Ocean Fund shall be made public and shall be consistent with the aims of this Directive.*

*5. All funding provided under the Ocean Fund shall be carried out in accordance with:*

*(a) the ‘do no significant harm’ criteria as set out in Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council\*;*

*(b) minimum safeguards as set out in Article 18 of Regulation (EU) 2020/852.*

*6. The Commission shall engage with third countries with regard to exploring options as to how they could also make use of the Ocean Fund. A corresponding share of the Ocean Fund shall be made available for those countries outside the Union, in particular Least Developed Countries and Small Island Developing States, whose voyages from or to a port outside the jurisdiction of a Member State are covered one hundred percent (100 %) by measures aiming at adapting to climate change and decreasing their emissions in the maritime sector.*

7. *The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the implementation of this Article. When implementing the Ocean Fund, the Commission shall take all the appropriate measures in accordance with Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council\*\* to ensure the protection of funds in relation to measures and investments supported by the Ocean Fund, in the event of failure to respect the rule of law in the Member States. To that end, the Commission shall provide an effective and efficient internal control system and shall seek recovery of amounts wrongly paid or incorrectly used.*

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*\* Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).*

*\*\* Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433I, 22.12.2020, p. 1).*

Or. en

15.6.2022

A9-0162/561

**Amendment 561**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**Peter Liese**

Revision of the EU Emissions Trading System

**A9-0162/2022**

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(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**Proposal for a directive**

**Article 1 – paragraph 1 – point 15 – point c**

Directive 2003/87/EC

Article 12 – paragraph 3 – subparagraphs 1 a (new) and 1 b (new)

*Text proposed by the Commission*

*Amendment*

*By way of derogation from the first subparagraph, point (c), until 31 December 2029, shipping companies may surrender fewer allowances on the basis of the ice class of their ships or the fact their ships navigate in ice conditions, or both, in accordance with Annex Va.*

*By way of derogation from the first subparagraph, point (c), until 31 December 2029, shipping companies may surrender 55 % fewer allowances in respect of emissions that occur until 2030 from voyages between a port located in an outermost region of a Member State and a port located in the same Member State, including between two different ports located in different outermost regions of the same Member State. By 31 December 2027, the Commission shall assess, and present a report to the European Parliament and the Council on, the impact of ending this derogation for maritime transport to and from outermost regions.*

Or. en

**Amendment 561**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**A9-0162/2022**

**Peter Liese**

Revision of the EU Emissions Trading System

(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

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**Proposal for a directive**

**Article 1 – paragraph 1 – point 15 – point c**

Directive 2003/87/EC

Article 12 – paragraph 3 – subparagraphs 1 a (new) and 1 b (new)

*Text proposed by the Commission*

*Amendment*

*By way of derogation from the first subparagraph, point (c), until 31 December 2029, shipping companies may surrender fewer allowances on the basis of the ice class of their ships or the fact their ships navigate in ice conditions, or both, in accordance with Annex Va.*

*By way of derogation from the first subparagraph, point (c), until 31 December 2029, shipping companies may surrender 55 % fewer allowances in respect of emissions that occur until 2030 from voyages between a port located in an outermost region of a Member State and a port located in the same Member State, including between two different ports located in different outermost regions of the same Member State. By 31 December 2027, the Commission shall assess, and present a report to the European Parliament and the Council on, the impact of ending this derogation for maritime transport to and from outermost regions.*

Or. en

15.6.2022

A9-0162/505

**Amendment 505**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**A9-0162/2022**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

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**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6**  
Directive 2003/87/EC  
Article 3ge a (new)

*Text proposed by the Commission*

*Amendment*

***Article 3gea***

***By way of derogation from Article 3g(1), where the distance between a port under the jurisdiction of a Member State and a port outside the jurisdiction of a Member State is less than 300 nautical miles, the allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of one hundred percent (100 %) of the emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, including transshipment ports, and one hundred percent (100 %) of the emissions from ships performing voyages departing from a port outside the jurisdiction of a Member State, including transshipment ports, and arriving at a port under the jurisdiction of a Member State.***

Or. en

**Benchmark derogations for industry**

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**Amendment 531****Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report****A9-0162/2022****Peter Liese**Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))**Proposal for a directive****Article 1 – paragraph 1 – point 12 – point c – point i**

Directive 2003/87/EC

Article 10a – paragraph 2 – subparagraph 3 – point c

*Text proposed by the Commission**Amendment*

(c) For the period from 2026 to 2030, the benchmark values shall be determined in the same manner as set out in points (a) and (d) on the basis of information submitted pursuant to Article 11 for the years 2021 and 2022 and on the basis of applying the annual reduction rate in respect of each year between 2008 and 2028.;

(c) For the period from 2026 to 2030, the benchmark values shall be determined in the same manner as set out in points (a) and (d) on the basis of information submitted pursuant to Article 11 for the years 2021 and 2022, ***excluding from the determination of the benchmark values data of the three least emission-intensive installations that either started operating after 2017 or received free allocation based on another benchmark***, and on the basis of applying the annual reduction rate in respect of each year between 2008 and 2028.;

Or. en

ETS 2

- excluding private building heating and private road transport at least until 2029 and subject to a future impact assessment and new legislative proposal in co-decision,
- price cap of 55 euro
- cost-pass on limit of 50%

15.6.2022

A9-0162/578

**Amendment 578**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*1a. The provisions of this Chapter shall apply in respect of the release for consumption of fuels which are used for combustion in private road transport and private heating and cooling of residential buildings only from 1 January 2029 subject to the assessment provided for in paragraph 1b.*

Or. en

15.6.2022

A9-0162/579

**Amendment 579**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**A9-0162/2022**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2003/87/EC

Article 30a – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

*1b. If the conditions are right, the Commission shall aim to extend this Chapter to emissions from private road transport and private heating and cooling of residential buildings from 1 January 2029.*

*By 1 January 2026, the Commission shall present a report to the European Parliament and the Council in which it shall assess the extension of this Chapter to emissions from private road transport and private heating and cooling of residential buildings from 1 January 2029 in a manner that leaves no one behind. In particular, that report shall include:*

*(a) a detailed assessment of the evolution of energy and mobility poverty in the Union and in each Member State as reported in accordance with Article 23(1) of Regulation (EU) .../... [Social Climate Fund Regulation];*

*(b) a detailed assessment of the results of the measures and investments included in the Member States' Social*

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*Climate Plans, in particular as regards the number of people that were lifted out of energy and mobility poverty as a result of those measures and investments, and of other investments from other Union funds;*

*(c) a detailed analysis and quantification of the additional greenhouse gas emissions reduction that could be achieved through this extension, as well as the progress of Member States toward the achievement of the targets set out in Regulation (EU) 2018/842;*

*(d) an assessment of the feasibility and modalities of the cost pass-on reporting and limit mechanism set out in Article 30f(2a).*

*Based on the results of that report, the Commission shall, where appropriate, present a targeted review of this Directive and of Regulation (EU) .../... [Social Climate Fund Regulation] to extend this Chapter to emissions from private road transport and private heating and cooling of residential buildings from 1 January 2029.*

Or. en

15.6.2022

A9-0162/598

**Amendment 598**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

A9-0162/2022

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

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*Text proposed by the Commission*

*Amendment*

**2a.** *Where, prior to 1 January 2030, every time the average price of allowances referred to in paragraph 1 of this Article exceeds a price cap of 50 EUR, the Commission shall, as a matter of urgency, adopt a decision to release 10 million allowances covered by this Chapter from the market stability reserve in accordance with Article 1a(7) of Decision (EU) 2015/1814.*

*Where, prior to 1 January 2030, the average price of allowances referred to in paragraph 1 exceeds 45 EUR, the Commission and Member States shall, as a matter of urgency, take further measures to reduce carbon dioxide emissions in order to avoid reaching the price cap referred to in the first subparagraph of this paragraph.*

*In the event of application of paragraph 1 or 2, the application of this paragraph shall be suspended during that period.*

Or. en

15.6.2022

A9-0162/595

**Amendment 595**

**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Report**

**Peter Liese**

Revision of the EU Emissions Trading System  
(COM(2021)0551 – C9-0318/2021 – 2021/0211(COD))

**A9-0162/2022**

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**Proposal for a directive**  
**Article 1 – paragraph 1 – point 21**  
Directive 2003/87/EC  
Article 30f – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Subject to the assessment in Article 30a(1b), second subparagraph, point (d), from ... [one year before the date of application of this Chapter in respect of fuels which are used for combustion in private road transport and private heating and cooling of residential buildings] and every month thereafter, regulated entities shall report to the Commission a breakdown of the costs going into the retail price of the fuels released for consumption pursuant to Annex III, including in particular the share of national taxes and fees and costs related to the surrender of allowances in the retail price, as well as the percentage of the costs related to the surrender of allowances which is passed on to the end consumer. Where this percentage changes by more than 5 % points compared to the last reporting period, an explanation shall be provided.**

**By ... [the date of entry into force of this Chapter], the Commission shall adopt an implementing act setting out the reporting categories and format to be used for reporting in accordance with the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).**

**From ... [the date of application of this Chapter in respect of fuels which are used for combustion in private road transport and private heating and cooling of residential buildings] or, if a Member**

*State in accordance with Article 30a(1c) has decided that the derogation referred to in paragraph 1a of that Article does not apply, from ... [the date of entry into force of this Chapter], regulated entities shall not pass on more than 50 % of the costs related to the surrender of allowances for fuels released for consumption pursuant to Annex III to the final consumer.*

*Where the Commission finds that a regulated entity has passed on a share of costs higher than 50 %, that entity shall pay a penalty in accordance with Article 16 of this Directive. The penalty amount shall be calculated on the basis of the quantity of allowances equivalent to the excess pass through in accordance with this paragraph, multiplied by the highest recorded primary or secondary market settlement price for allowances under this Chapter in the preceding year. Each year by 28 February, the Commission shall communicate the excess pass through penalty price. The revenues generated from penalties referred to in this subparagraph shall be allocated to the Social Climate Fund referred to in Regulation (EU) ... /... [Social Climate Fund Regulation].*

Or. en