

# Scheme for greenhouse gas emission allowance trading: temporary derogation from the EU Emissions Trading System (EU ETS) Directive

2012/0328(COD) - 24/04/2013 - Final act

**PURPOSE:** to derogate temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (EU ETS) within the Community.

**LEGISLATIVE ACT:** Decision No 377/2013/EU of the European Parliament and of the Council derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community.

**CONTENT:** in order to facilitate the objectives aiming to reduce aviation emissions and to provide momentum in this area, it is desirable to **defer the enforcement of requirements arising prior to the 38th session of the ICAO Assembly and relating to flights to and from aerodromes in countries outside the Union that are not members of the European Free Trade Association (EFTA), dependencies and territories of States in the European Economic Area (EEA) or countries having signed a Treaty of Accession with the Union.**

**By way of derogation from Directive 2003/87/EC** establishing a scheme for greenhouse gas emission allowance trading within the Community :

Member States shall take **no action against aircraft operators** in respect of the requirements set out in Directive 2003/87/EC for the **calendar years 2010, 2011 and 2012** in respect of activity to and from the abovementioned aerodromes;

**the temporary derogation shall apply exclusively to aircraft operators** who have not been issued free allowances for such activity in respect of 2012 or, if they have been issued such allowances, have returned, by the thirtieth day following the entry into force of this Decision, to Member States for cancellation a number of 2012 aviation allowances corresponding to the share of verified tonne-kilometres of such activity in the reference year 2010.

Member States shall **cancel all 2012 aviation allowances** that have either not been issued or, if issued, have been returned to them, in respect of flights to and from the aerodromes concerned. Member States shall **auction** a reduced number of 2012 aviation allowances. That reduction shall be proportional to the lower number of total aviation allowances in circulation. To the extent that the reduced number of those allowances has not been auctioned prior to 1 May 2013, Member States shall adjust accordingly the number of aviation allowances to be auctioned in 2013.

This derogation is provided by the Union to facilitate an agreement at the 38th session of the ICAO Assembly on a **realistic timetable for the development of a global market based measures (MBM)** beyond the 38th session of the ICAO Assembly and on a framework for facilitating the comprehensive application of national and regional MBMs to international aviation, pending the application of the global MBM.

The Commission shall **regularly inform the European Parliament and the Council** on the progress of ICAO negotiations and shall provide a full report to them on the results achieved at the 38th session of the ICAO Assembly.

ENTRY INTO FORCE: 25/04/2013. The Decision shall apply from 24/07/2013.