

【欧州】 【Common】 【航空】

Common - “Fit for 55” package: TRAN Committee approves final version of provisional political agreement on the ReFuel EU aviation proposal

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【概要 : Summary】

Based on the EU’s commitment under the European Green Deal to reach climate neutrality with net-zero GHG emission levels by 2050 as well as a 90% reduction of GHG emissions from transport, the European Climate Law introduced a new mid-term target for reducing GHG emissions by at least 55% by 2030, compared to 1990 levels.

Since the options for decarbonising aviation are still limited in the absence of low to zero emission propulsion systems or zero emission aircraft, a gradual decarbonisation should be achieved by introducing a blending mandate for sustainable aviation fuels (SAFs) in the aviation sector. Accordingly, the European Commission presented the Proposal for a Regulation on ensuring a level playing field for sustainable air transport, the ReFuelEU Aviation, (COM (2021) 561 final), among others, as part of its “Fit for 55” package of 14 July 2021. The ReFuelEU Aviation Initiative is expected to put air transport on the trajectory of the EU’s climate targets for 2030 and 2050 by introducing a sector-specific, gradually increasing SAF blending mandate and a sub-mandate for synthetic fuels, thereby achieving a gradual reduction of GHG emissions from aircraft in the EU.

On 2 June 2022, the Council of the European Union adopted at its general approach on the ReFuelEU

Aviation proposal, while the European Parliament’s plenary adopted the ReFuelEU Aviation proposal including several amendments on 7 July 2022.

On 25 April 2023, the Council of the EU announced to have reached a provisional political agreement with the European Parliament on the ReFuelEU Aviation initiative proposal in their trilogue negotiations. Thereafter, the Council of the European Union confirmed that, should the European Parliament adopt its final position on the agreed legislative text at first reading, the Council would approve the legislation based on the European Parliament’s position.

On 27 June 2023, the European Parliament’s TRAN Committee approved the provisional political agreement on the rules of the Refuel EU aviation Regulation. The legislative text will now need to be approved by the European Parliament’s plenary, which could take place during the September 2023 plenary session. Based on this schedule, it can be expected that the regulation on the introduction of SAF and synthetic fuels for gradually replacing kerosene with sustainable alternative aviation fuels and thereby reducing the GHG emissions of the aviation sector in general could come into force in September or October 2023.

【記事 : Article】**1. Background of the ReFuelEU Aviation proposal**

The aviation sector's emissions in Europe increased an average of 5% year-on-year between 2013 and 2019 (European Commission 2023). The aviation sector has been one of the sectors hit hardest by the COVID-19 pandemic in 2020 and 2021. However, it is expected that air traffic will gradually resume its pre-pandemic levels soon. According to the International Civil Aviation Organisation (ICAO)'s estimates, passenger traffic will grow per annum up to 3.1% until 2050, and up to 2.4% for freight traffic according to its post-COVID-19 forecast (2021/0205 (COD)).

To achieve the European Green Deal (COM/2019/640 final)'s target of carbon neutrality by 2050, the EU needed to implement a more ambitious 2030 climate target, including a GHG emission reduction also in the transport sector to contribute to the 2050 goal. Therefore, based on the European Climate law (Regulation (EU) 2021/1119), the European Commission presented the 2030 "Fit for 55" package to achieve the GHG emission reduction target of at least 55% compared to 1990 (European Parliament 2021).

Regarding the decarbonisation of the aviation sector, contrary to the increasing presence of electric vehicles in road transport, the technical options for decarbonising aviation remain limited in the absence of low to zero emission propulsion systems or zero emission aircraft. Therefore, the European Commission presented, among others, 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) 561 final). This the ReFuelEU Aviation introduces a sector-specific gradually increasing blending mandate for sustainable aviation fuels (SAFs) and synthetic fuels as alternative fuels to achieve a gradual decarbonisation of the aviation sector over the next decades (European Parliament 2021).

2. The proposal for a ReFuelEU Aviation initiative COM (2021) 561 final

The proposal for a Regulation ReFuelEU Aviation initiative COM (2021) 561 final aims at introducing the necessary measures for reducing the GHG emissions from aircraft flying from EU airports, and it sets harmonised rules across the EU internal market, applying directly and in a uniform way to aviation market actors as well as the aviation fuels market actors (European Parliament 2021).

Most importantly, the proposal lays down harmonised rules to establish the obligation for aviation fuel suppliers to ensure that all aviation fuel made available to aircraft operators at EU airports contains a minimum share of sustainable aviation fuel, including a minimum share of synthetic fuel (European Parliament 2021). Synthetic aviation fuels have the potential to achieve emission savings and can potentially reach up to 100% emission savings compared to fossil fuels if they are produced from renewable energies. The SAFs are defined as drop-in aviation fuels that present a sustainable, non-conventional, alternative to fossil-based jet fuel, in compliance with the Renewable Energy Directive (RED II) sustainability and GHG emissions reductions criteria of Article 29, RED II (EASA 2022a). Since the SAFs can be mixed with kerosene up to around 50% without any necessity to making changes to the aircraft engines, the wider introduction of SAF in aviation can be expected to be an important step in the 2020s and 2030s to decarbonise the aviation sector and to thereby placing air transport on the trajectory of the EU's climate target for 2050 (Council of the EU 2022a).

The European Commission's proposal COM (2021) 561 final defines the minimum shares of SAFs and of synthetic fuels of the aviation fuel. The mandate for the minimum of SAF blending volumes in aviation fuel would rise from 2% in 2025 to 5%

in 2030 and 63% in 2050 (COM (2021) 561 final, European Parliament 2023a). To achieve this mandate, approximately 2.3 million tonnes of SAF would be required by 2030, 14.8 million tonnes of SAF in 2040, and 28.6 million tonnes by 2050 (EASA 2022b). Furthermore, the European Commission proposed to increase the sub-mandate for synthetic aviation fuels from 0.7% in 2030 to 28% in 2050 (European Parliament 2023a). Moreover, the ReFuelEU Aviation proposal envisages the expansion of electricity supply for stationary commercial aircraft at all airport gates by 2025, and at all outfield positions by 2030 (COM (2021) 561 final). To maintain a competitive level playing field, the ReFuelEU Aviation proposal establishes the obligation for aircraft operators to ensure a yearly quantity of aviation fuel uplifted at a given EU airport for their flights and they will be required to report on a yearly basis (COM (2021) 561 final). Thereby, practices such as “fuel tankering” of aircraft operators uplifting more aviation fuel at non-EU airports where aviation fuel contains less SAFs and is less expensive should be avoided (European Parliament 2021). The proposed regulation includes monitoring, reporting and verification systems to ensure that the rules are implemented correctly (European Parliament 2021).

Finally, the Commission will report to the European Parliament and the Council, at least every five years after the introduction of the application of the regulation, on the evolution of the aviation fuels market and its impact on the EU’s aviation internal market (European Parliament 2021).

3. The European Parliament and the Council’s political agreement on the ReFuelEU Aviation proposal

On 2 June 2022, the Council of the European Union adopted at its general approach on the ReFuelEU Aviation proposal and on 7 July 2022, the European Parliament’s plenary followed with both versions

including several changes and amendments to the ReFuelEU Aviation proposal.

The Council agreed in its general approach on a minimum share of SAF of 2% from 1 January 2025, 6% of SAF from 1 January 2030, of which a minimum share of 0.7% should be synthetic aviation fuels, 20% from 1 January 2035, with a minimum share of 5% of synthetic aviation fuels, 32% from 1 January 2040, with a minimum share of 8% of synthetic aviation fuels, 38% of SAFs from 1 January 2045, with a minimum share of 11% of synthetic aviation fuels and finally 63% of SAF from 1 January 2050, with a minimum share of 28% of synthetic aviation fuels (Council of the EU 2022b).

The European Parliament’s MEPs agreed to rise the share of SAFs from 2% in 2025, to 37% already in 2040 and to 85% by 2050, compared to the Commission proposal of a 32% share for 2040 and 63% for 2050 and compared to the Council’s lower targets (Directorate General for Communication European Parliament 2022). The MEPs voted in favour of increasing the minimum share of synthetic fuels to 2% in 2030, 5% in 2035, 13% in 2040, 27% in 2045 and a 50% share of synthetic aviation fuels of the overall minimum share of 85% of SAFs by 2050 (European Parliament 2022). This represents much higher shares compared to the Commission’s proposal, which included a sub-mandate for synthetic aviation fuels of 0.7% in 2030, 5% in 2035, 8% in 2040, 11% in 2045, and 28% in 2050, and the Council’s adopted targets (COM (2021) 561 final, Council of the EU 2022b). The Council’s general approach also includes an obligation for aircraft operators to ensure that the yearly quantity of aviation fuel uplifted at a given EU airport is at least 90% of the yearly aviation fuel required to avoid the negative impacts of “tankering” carrying more fuel than required to avoid refuelling at an EU destination airport. The Council also supported reporting obligations for fuel suppliers and aircraft operators and a possibility for a Member State’s competent authority to grant an exemption from

the tankering provision for certain flights, among others (Council of the EU 2022a). The general approach also includes an expansion of the scope of eligible fuels (Council of the EU 2022a, 2022b).

The MEPs also included recycled carbon fuels produced from waste processing gas, and exhaust gas deriving from the production process in industrial installations under their SAF definition, among others (Directorate General for Communication European Parliament 2022).

The trilogue negotiations on the ReFuelEU aviation proposal between the Council and the European Parliament started in September 2022 and on 25 April 2023, the Council of the EU announced to have reached a provisional political agreement with the European Parliament on the ReFuelEU Aviation initiative proposal (COM (2021) 561 final) (European Parliament 2023b, Council of the EU 2023a).

The co-legislators agreed on maintaining the key elements of the Commission's original proposal, but also to introduce some important amendments including the obligation for aviation fuel suppliers to ensure that all fuel made available to aircraft operators at EU airports contains a minimum share of SAF from 2025 onwards, and a minimum share of synthetic fuels from 2030 onwards (Council of the EU (2023a). The provisional political agreement also keeps the obligation for aircraft operators to ensure that the yearly quantity of aviation fuel uplifted at a given EU airport is at least 90% of the yearly aviation fuel required, to avoid tankering practices (Council of the EU (2023a). The agreement also keeps the reporting obligations for aircraft operators.

However, the Council and the European Parliament also negotiated some important amendments to the proposal. Most importantly, they agreed to increase the SAF shares, with a share of at least 2% starting from 2025 and reaching 70% by 2050, compared to the proposed 63% in 2050 in the

European Commission's proposal (European Parliament 2023b).

The Commission welcomed the political agreement between the European Parliament and the Council on the ReFuelEU Aviation proposal, and pointed out that the new rules would help decarbonising the aviation sector by requiring fuel suppliers to blend SAFs with kerosene in increasing amounts starting from 2025 (European Commission 2023).

The informal political agreement between the European Parliament and the Council still needed to be formally approved by the Council Committee of Permanent Representatives (Coreper) and Parliament's Transport and Tourism (TRAN) Committee, and thereafter by the Council and Parliament as a whole (European Parliament 2023b).

4. TRAN Committee approves final text version of the ReFuelEU Aviation law

The provisional agreement on the Refuel EU aviation Regulation was approved by Transport and Tourism Committee (TRAN Committee) on 27 June 2023 (European Parliament 2023d). The text approved by the TRAN Committee confirms the main aspects of the European Commission's proposal and also includes the establishment of a transitional period allowing fuel suppliers to reach the SAF blending mandate as a weighted average of the quantities they have supplied across the EU (Council of the EU 2023a).

The Article 5 of the ReFuelEU Aviation Regulation contains the obligation for aircraft operators to ensure that their annual quantity of aviation fuel uplifted at a given EU airport remains at least 90% of the yearly aviation fuel required, to exclude tankering practices (Council of the EU 2023a). Airlines departing from EU airports will be required to uplift SAFs and they must refuel aircraft solely with the energy necessary for each flight, avoiding unnecessary weight caused by tankering practices (2021/0205 (COD)). Also reporting obligations for fuel suppliers and aircraft operators remain included in the

approved text, among others (Council of the EU 2023a).

Instead, as main amendments, the TRAN Committee approved the agreement's wider definition of the term "sustainable aviation fuels". The definition of SAFs is limited to drop-in fuels and therefore does not include hydrogen and electricity used to power aircraft (European Parliament 2023c). Accordingly, the obligations on aviation fuels suppliers, EU airport managing bodies and aircraft operators apply to drop-in fuels whenever aviation fuels are referred to, unless hydrogen or electricity is explicitly concerned (European Parliament 2023c).

The Article 3 of the ReFuelEU Aviation Regulation contains the definition of SAFs. The term "sustainable aviation fuels" will include synthetic aviation fuels, aviation biofuels, or recycled carbon aviation fuels ((2021/0205 (COD)). "Synthetic aviation fuels" means aviation fuels that are renewable fuels of non-biological origin (2021/0205 (COD)).

Biofuels produced from agricultural or forestry residues in compliance with the Renewable Energy Directive (RED) sustainability and emissions saving criteria, algae, bio-waste, used cooking oil or certain animal fats, and recycled jet fuels produced from waste gases and waste plastic are included as SAFs (European Parliament 2023b, European Parliament 2023d). However, no feed and food crop-based fuels and no fuels derived from palm oil nor soy materials are considered SAFs, as they do not fulfil the sustainability criteria (European Parliament 2023b, European Parliament 2023d). International aviation fuels standards define, which types of conventional aviation fuels can be blended or mixed with SAFs, which affects the applicability of this Regulation as concerns aviation fuels (European Parliament 2023c). However, SAF have been certified at global level for use in civil or military aviation. SAF are technologically ready to play an important role in reducing GHG emissions from air

transport already in the very short term (European Parliament 2023c).

The TRAN Committee approved the quicker increase of the minimum share of SAF from 2025 based on the political agreement of the Council and the European Parliament (Council of the EU 2023a).

In their vote on 27 June 2023, the MEPs secured the timeline of the provision of jet fuel mix, obliging EU airports and fuel suppliers to ensure the introduction of a mandatory SAF share. In the final text version of the Regulation, SAF shares will be higher than the original Commission proposal, with a share of at least 2% starting from 2025. Thereafter, the SAF shares will increase to 6% in 2030 compared to the 5% as planned by the Commission, to 20% in 2035 and to 34% in 2040, compared to the planned 32% share in the Commission's proposal. Finally, SAFs are expected to reach 70% in 2050, as agreed by the co-legislators (European Parliament 2023b, European Parliament 2023d).

In addition, the TRAN Committee approved also higher shares of synthetic fuels (1.2% in 2030, 2% in 2032, 5% in 2035, 10% in 2040, 15% in 2045 and reaching 35% in 2050) under the sub-mandate for synthetic aviation fuels, based on the Council's and the Parliament's provisional agreement (Council of the EU 2023a, European Parliament 2023d).

This is not as high as the European Parliament suggested in its amendments, but it is higher than the share of synthetic fuels proposed by the Commission, with a sub-mandate for synthetic aviation fuels of 0.7% in 2030, 5% in 2035, 8% in 2040, 11% in 2045, and 28% in 2050 (European Parliament 2023b, 2021/0205 (COD)).

The Commission is also expected to include in its report in 2027, the impact of this regulation on connectivity, on carbon leakage and distortions of competition, and on the future use of hydrogen and electricity (European Parliament 2023d). In fact, the Council and the Parliament agreed to another amendment to consider renewable hydrogen

and fuel produced from cooking oil or waste gases as sustainable, as renewable hydrogen in particular is a promising technology that could contribute to the decarbonisation of air transport (European Parliament 2023b, Council of the EU 2023a). Regarding biofuels, the scope is extended to other certified biofuels complying with the Renewable Energy Directive (RED) sustainability and emissions saving criteria, up to a maximum of 70% (Council of the EU 2023a).

The text version of the Regulation approved by the TRAN Committee also includes a reinforcement of data collection and the reporting obligations to monitor the effects of the regulation on the competitiveness of EU operators among others (Council of the EU 2023a, European Parliament 2023d). Furthermore, the TRAN Committee also approved the amendment to create an EU labelling scheme about environmental performance for aircraft operators using SAFs. Thereby airlines will be able to market their flights with a label indicating the expected carbon footprint per passenger and the expected CO₂ efficiency per kilometre to help consumers make informed choices regarding greener flights, as of 2025 (Council of the EU 2023a, European Parliament 2023d).

Following the outcome of the trilogue negotiations, the General Secretariat of the Council of the European Union informed the TRAN committee's chair Karima Delli that on 16 June 2023, the Council Committee of Permanent Representatives (Coreper) had agreed to the provisional political agreement between the Council and the Parliament (European Parliament 2023d, General Secretariat Council of the European Union 2023).

The agreed final text on Refuel EU aviation rules was approved by the TRAN Committee on 27 June 2023 and will now need to be approved by the European Parliament's Plenary, possibly during September plenary session. This implies that, should the Parliament's plenary adopt its position in first reading, the Council would also

approve the Parliament's position. Accordingly, the legislation will then be adopted also by the Council in the wording which corresponds to the European Parliament's position (European Parliament 2023d, General Secretariat Council of the European Union 2023).

Thereafter, the ReFuelEU Aviation Regulation will be published in the European Union's Official Journal. The regulation will enter into force on the twentieth day following that of its publication. It shall apply from 1st January 2024, but regarding the refuelling obligation for aircraft operators in Article 5 and regarding the airport managing body to facilitate the access to SAF in Article 6 shall apply from 1st January 2025 (2021/0205 (COD), European Parliament 2023c). Considering the impact of the ReFuelEU aviation Regulation, it is expected to reduce aircraft CO₂ emissions by around two-thirds by 2050 compared to a "no action" scenario, and it also provides air quality benefits by reducing non-CO₂ emissions (European Commission 2023).

5. Conclusion

Considering the current absence of technical solutions for introducing low to zero emission propulsion in the aviation sector, it is necessary to focus on the utilisation of SAFs for reducing GHG emissions from aircraft in the decades to come.

As proposed under the "Fit for 55" package, Regulation on ReFuelEU Aviation introduces a sector-specific increasing blending mandate for SAFs and a sub-mandate for synthetic fuels, which will oblige fuel suppliers to blend-in an increasing share of these alternative fuels into the fossil-fuel based kerosene jet fuel at EU airports. The final text version of the Regulation on ReFuelEU Aviation was approved by the TRAN Committee on 27 June 2023, after the provisional political agreement was reached by the co-legislators. The target is to promote the uptake of SAFs and synthetic fuels to thereby

cutting the aviation sector's GHG emissions. This is expected to ensure that the aviation sector contributes its fair share to help achieving the EU's target of carbon neutrality by 2050.

The different opinions of the Parliament and the Council regarding the scope of the regulation, the level and timing of the introduction of blending mandates and the definition of SAFs were solved in their provisional political agreement on the final text version of the ReFuelEU Aviation. The main improvement under the set limits for fossil fuel-based kerosene is the higher target for SAFs in the years 2035 (6%), 2040 (34%) and 2050 (70%) as well as the increase of the sub-mandate for synthetic aviation fuels, compared to the Commission's original proposal. The share of synthetic fuels was improved and increased from 0.7% to 1.2% in 2030, 2% in 2032, 5% in 2035, 8% in 2040, 11% in 2045, and up from 28% to 35% in 2050.

Considering the aviation sector's limited options to use low or zero emission technologies as propulsion systems, the ReFuelEU Aviation initiative represents the currently best way forward to reach a gradual decarbonisation of the aviation sector. It can be expected to have a significant impact on commercial aircraft operators in the EU aviation market in the decades to come.

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