Commission Delegated Decision (EU) 2020/1071 of 18 May 2020 amending Directive 2003/87/EC of the European Parliament and of the Council, as regards the exclusion of incoming flights from Switzerland from the EU emissions trading system (Text with EEA relevance)

COMMISSION DELEGATED DECISION (EU) 2020/1071

of 18 May 2020

amending Directive 2003/87/EC of the European Parliament and of the Council, as regards the exclusion of incoming flights from Switzerland from the EU emissions trading system

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emissions allowance trading within the Union and amending Council Directive 96/61/EC[(1)], and in particular Article 25a(1) thereof,

Whereas:

(1) Article 25a of Directive 2003/87/EC empowers the Commission to adopt provisions to exclude flights arriving from a third country from the EU emissions trading system (EU ETS). Such provisions should provide for optimal interaction between the EU ETS and a third country's measures for reducing the climate change impact of aviation.

(2) Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems[(2)] (the 'Agreement') was signed on 23 November 2017 and entered into force on 1 January 2020. The Agreement provides that flights from aerodromes situated in the territory of Switzerland to aerodromes situated in the European Economic Area (EEA) are to be excluded from the EU ETS.

(3) Directive 2003/87/EC should therefore be amended in order to exclude flights from aerodromes situated in Switzerland to aerodromes situated in the EEA from the EU ETS. In order to maintain stability as regards the coverage of operators, that exclusion should not affect the provisions that exclude certain aviation activities from the EU ETS based on specified thresholds in terms of number of flights or emissions per operator.

(4) Directive 2003/87/EC should therefore be amended accordingly.

(5) As the Agreement entered into force on 1 January 2020, this Decision should apply from that date,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Decision (EU) 2020/1071. (See end of Document for details)*

Article 1

The second paragraph of the entry 'Aviation' of column 'Activities' of the table of Annex I to Directive 2003/87/EC is amended as follows:

(1) the second paragraph of point (j) is replaced by the following:

> Flights referred to in point (l) or performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family; Heads of State, Heads of Government and Government Ministers, of a Member State may not be excluded under this point;;

(2) point (k) is replaced by the following:

> (k) from 1 January 2013 to 31 December 2030, flights which, but for this point, would fall within this activity, performed by a non-commercial aircraft operator operating flights with total annual emissions lower than 1 000 tonnes per year (including emissions from flights referred to in point (l));;

(3) the following point (l) is added:

> (l) flights from aerodromes situated in Switzerland to aerodromes situated in the EEA..

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2020.

Done at Brussels, 18 May 2020.

For the Commission

The President

Ursula VON DER LEYEN