IATA position on RefuelEU legislative proposal
January 2022

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport

2021/205 (COD)

IATA position on RefuelEU legislative proposal
January 2022

Recital 5	
Text proposed by the Commission	*Amendment*
(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.	(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. **The majority of fuel tankering is for operational and safety reasons.** 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 **could** undermine~~s~~ ~~of~~ the Union's efforts towards environmental protection. **However, fuel tankering for economic reasons could be justified to avoid exposure to monopolistic or excessive fuel prices at some airports.** ~~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.

Justification:

A substantial part of tankering is for operational and safety reasons, including the need to uplift more fuel than technically required to operate the flight for emergencies, deviations, bad weather or fuel supply shortages at destination airport. Some tankering may take place for economic reasons whereby airlines would uplift more fuel than operationally required to avoid exposure to excessive fuel prices due lack of competition of fuel suppliers at some airports. At such airports, tankering is the only option for airlines to avoid being charged excessive fuel prices.

Recital 15	
Text proposed by the Commission	*Amendment*
(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	(15) The present Regulation should apply to aircraft engaged in civil aviation, carrying out commercial air transport flights within the EU. 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.	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.~~

Justification:

For efficient implementation of the blending mandate, it is essential for aircraft operators to keep both cost and environmental impact at the lowest possible level. Deploying SAF to each Union airport is not justifiable because:

- *SAF production facilities will be in the foreseeable future, including during the first period of the proposal, extremely limited in number across Europe.*
- *Central European Pipeline System (CEPS) does not currently allow transport of SAF.*
- *Blending SAF with conventional fuel at airports is not permitted under DEF STAN 91/91.*
- *Supplying SAF to each Union airport from the depot and refinery using other transport means is environmentally and economically inefficient.*

The obligation under this legislative proposal can be met by supplying the required amount of SAF to the airports which are closest to the SAF production facilities.

Given the above points there is no need to put obligations on individual fuel suppliers.

There is no need for a specific sub mandate for synthetic fuel because market forces should determine what will the most efficient technology and feedstock combination. All technologies should have equal opportunity to be developed commercially.

Recital 17	
Text proposed by the Commission	*Amendment*

(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 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	(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 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.	~~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.~~

Justification:

Given the volumes of SAF that will be required over the next decades we should not exclude upfront any specific feedstocks but rely on the overall sustainability criteria to decide whether any feedstock can or cannot be used for the production of SAF.

Recital 19	
Text proposed by the Commission	*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. 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	(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.~~ **Alternatively, aircraft operators themselves are allowed to fulfil their SAF blending obligations.** It supersedes any requirements established directly or indirectly at national or regional level requiring aircraft operators or aviation fuel suppliers to uptake or

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.	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.

Justification:

From a fuel purchasing perspective it is critical to allow airlines to fulfil their SAF blending obligation. Airlines should be able to go to SAF producers directly as opposed to be forced to purchase the blended product only from the conventional fuel suppliers. Allowing airlines to keep direct purchasing / procurement freedom for SAF supply will encourage competition and put pressure on price.

IATA position on RefuelEU legislative proposal
January 2022

A sub-mandate on Synthetic fuels (PtL) should be eliminated until more reliable information exists to forecast the competitiveness of synthetic fuel. Sustainability verification determines the GHG performance of SAF no matter what the technology or feedstock combination. Applying a sub mandate to a SAF option known to be the most complex and expensive is akin to a tax and is simply designed to constrain demand.

Recital 21	
Text proposed by the Commission	*Amendment*
(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 unstainable 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 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	~~(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 unstainable 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 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.	~~their overall network of operations, while avoiding fuel tankering.~~

Justification:

Tankering can be an onerous and inefficient practice that airlines are sometimes forced to use due to operational restrictions, and in other occasions, to avoid further economic prejudice caused by severe distortions in the fuel market. Forcefully limiting tankering may likely affect the viability of flights and also cause excessively high fuel prices to rise even more in monopolized markets as the fuel suppliers (including SAF suppliers) would know airlines have no alternative other than to uplift fuel at their airports. Airlines should be allowed to make their own decisions on tankering, factoring in the additional consideration of environmental impact.

Recital 22	
Text proposed by the Commission	*Amendment*
(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.	~~(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.~~

Justification:

Due to the drop-in nature of SAF, no additional infrastructure is needed at airports to allow for SAF supply.

Recital 24	
Text proposed 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 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.	~~(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.~~

Justification:

Tankering can be an onerous and inefficient practice that airlines are sometimes forced to use due to safety and operational reasons/ restrictions, and in other occasions, to avoid further economic prejudice caused by severe distortions in the fuel market. Forcefully limiting tankering may likely affect the viability of flights, negatively affect flight safety and also cause excessively high fuel prices to rise even more in monopolized markets as the fuel suppliers (including SAF suppliers) would know airlines have no alternative other than to uplift fuel at their airports. Airlines should be allowed to make their own decisions on tankering, factoring in the additional consideration of environmental impact.

Recital 31	
Text proposed by the Commission	*Amendment*
(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 may be used to compensate for lower shares of sustainable	d (31) A transitional period of ~~5~~ **10 years or until functional book and claim accounting system is implemented (whichever comes earlier)** 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 fuels or for the reduced availability of conventional aviation fuel at other airports.	aviation fuel may be used to compensate for lower shares of sustainable aviation fuels or for the reduced availability of conventional aviation fuel at other airports.

Justification:

This requires the implementation of a robust book and claim accounting system so that, during the transitional period, the system wide SAF supply meets the actual mandate.

Extending the transitional period to 31st December 2034 would allow a robust book & claim accounting system can be developed,

Article 2	
Text proposed by the Commission	*Amendment*
Scope This Regulation shall apply to aircraft operators, Union airports, and to aviation fuel suppliers.	***Scope*** This Regulation shall apply to aircraft operators, Union airports, and to aviation fuel suppliers **for flights within the EU.**

Justification:

- *The ReFuelEU proposal as drafted does not provide the appropriate incentive-based framework required to support the necessary industry's ambition and commitment to net zero.*
- *Intra-EU scope minimizes risk on competitive distortion amongst global network carriers.*
- *Intra-EU scope reduces the risk of potential retaliation by 3rd countries due to the extraterritorial nature of the proposed scope. Such retaliation could create a regressive impact on the spirit and ambition of the ReFuelEU Regulation*
- *Intra-EU scope will support the process of reaching an agreement at ICAO for a global quantitative SAF ambition, with substantially higher environmental benefits and therefore compensating the loss of co2 reduction due to limitation of the scope to intra-EU flights.*
- *Amendments to other Articles are not all linked to scope of this Regulation but provide necessary solution to the technical, logistical and economic challenges presented by the draft text.*

Article 3

IATA position on RefuelEU legislative proposal
January 2022

Text proposed by the Commission	*Amendment*
Definitions	***Definitions***
For the purposes of this Regulation, the following definitions apply:	*For the purposes of this Regulation, the following definitions apply:*
– '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 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;	*– '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 **10 million** passengers or where the freight traffic was higher than 100000 tons in the 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;*
– '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;	*– '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;*
– 'commercial air transport flight' means a flight operated for the purposes of transport of passengers, cargo or mail for remuneration or hire, or business aviation flights;	*– 'commercial air transport flight' means a flight operated for the purposes of transport of passengers, cargo or mail for remuneration or hire, or business aviation flights;*
– 'aviation fuel' means the fuel manufactured for direct use by aircraft;	*– 'aviation fuel' means the fuel manufactured for direct use by aircraft;*
– '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;	*– '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;*

– *'batch' means a quantity of sustainable aviation fuels that can be identified with a number and can be traced;*	– *'batch' means a quantity of sustainable aviation fuels that can be identified with a number and can be traced;*
– *'lifecycle emissions' means carbon dioxide equivalent emissions of sustainable aviation fuels that take into account carbon dioxide equivalent emissions of energy production, transport, distribution and use on-board, including during combustion, calculated in accordance with Article 31 of Directive (EU) 2018/2001;*	– *'lifecycle emissions' means carbon dioxide equivalent emissions of sustainable aviation fuels that take into account carbon dioxide equivalent emissions of energy production, transport, distribution and use on-board, including during combustion, calculated in accordance with Article 31 of Directive (EU) 2018/2001;*
– *'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;*	– *'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;*
– *'conventional aviation fuels' means fuels produced from fossil non-renewable sources of hydrocarbon fuels, used in aviation;*	– *'conventional aviation fuels' means fuels produced from fossil non-renewable sources of hydrocarbon fuels, used in aviation;*
– *'aviation fuel supplier' means a fuel supplier as defined in Article 2, second paragraph, point 38 of Directive (EU) 2018/2001, supplying aviation fuel at a Union airport;*	– *'aviation fuel supplier' means a fuel supplier as defined in Article 2, second paragraph, point 38 of Directive (EU) 2018/2001, supplying aviation fuel at a Union airport;* ***or an aircraft operator which chooses to self-supply SAF.***
– *'reporting year' means a period of one year in which the reports referred to in Articles 7 and 9 are to be submitted starting 1 January and ending 31 December;*	– *'reporting year' means a period of one year in which the reports referred to in Articles 7 and 9 are to be submitted starting 1 January and ending 31 December;*
– *'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year;*	– *'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year;*
– *'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;*	– *'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;*
– *'yearly non-tanked quantity' means the difference between the yearly aviation fuel required and the actual fuel uplifted by an*	

aircraft operator prior to flights departing from a given Union airport, over the course of a reporting period; *– 'total yearly non-tanked quantity' means the sum of the yearly non-tanked quantities by an aircraft operator at all Union airports over the course of a reporting period;* *– 'greenhouse gas scheme' means a scheme granting benefits to aircraft operators for the use of sustainable aviation fuels.*	*– 'yearly non-tanked quantity' means the difference between the yearly aviation fuel required and the actual fuel uplifted by an aircraft operator prior to flights departing from a given Union airport, over the course of a reporting period;* *– 'total yearly non-tanked quantity' means the sum of the yearly non-tanked quantities by an aircraft operator at all Union airports over the course of a reporting period;* *– 'greenhouse gas scheme' means a scheme granting benefits to aircraft operators for the use of sustainable aviation fuels.*

Justification:

1 million passengers is a very low threshold and significantly increases logistical complexity by introducing many more airports into the regulatory scheme by requiring physical SAF to be present. Increasing the threshold focuses the physical SAF on airports with greater economies of scale. With the introduction of a book and claim accounting system the overall blending ambition level will not be impacted by the reduction of the number of airports in the scope of this Regulation.

From a fuel purchasing perspective it is critical to allow airlines who opt to fulfil their SAF blending obligation through self-supply, buying directly from the SAF producers. Airlines should be able to go to SAF producers directly as opposed to be forced to purchase the blended product only from the conventional fuel suppliers. Allowing airlines to keep direct purchasing / procurement freedom for SAF supply will encourage competition and put pressure on price.

Article 4	
Text proposed by the Commission	*Amendment*
Share of sustainable aviation fuel available at Union airports Aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators	**Share of sustainable aviation fuel available at Union airports** 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. 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.	at ~~each~~ Union airport**s** contains a**n annual weighted average** 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. ~~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.~~

Justification:

For efficient implementation of the blending mandate, it is essential for aircraft operators to keep both cost and environmental impact at the lowest possible level. Deploying SAF to each Union airport is not justifiable because:

- *SAF production facilities will be in the foreseeable future, including during the first period of the proposal, extremely limited in number across Europe.*
- *Some infrastructure, such as the Central European Pipeline System (CEPS) does currently not allow transport of SAF.*
- *Blending SAF with conventional fuel at airports is not permitted under DEF STAN 91/91.*
- *Supplying SAF to each Union airport from the depot and refinery using other transport means is environmentally and economically inefficient.*

The obligation under this legislative proposal can be met by supplying the required amount of SAF to the airports which are closest to the SAF production facilities.

Given the above points there is no need to put obligations on individual fuel suppliers.

There is no need for a specific sub mandate for synthetic fuel because market forces should determine what will the most efficient technology and feedstock combination. All technologies should have equal opportunity to be developed commercially.

Article 5	
Text proposed by the Commission	*Amendment*

Refuelling obligation for aircraft operators 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.	~~***Refuelling obligation for aircraft operators***~~ ~~*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.*~~

Justification:

Airlines should be allowed to make their own decisions on tankering, factoring in the additional consideration of environmental impact. Furthermore, the proposed monitoring and associated reporting activities would add significant administrative burden and hence should be avoided.

There exists a real risk of retaliatory action from 3rd countries who would see this obligation as an extraterritorial provision, triggering unintended negative environmental consequences. Given the global nature of aviation, ICAO is the appropriate body to work on a global framework for environmental issues.

Article 6	
Text proposed by the Commission	*Amendment*
Obligations of Union airports to provide the infrastructure 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. 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.	~~**Obligations of Union**~~ **airports** ~~**to provide the**~~ **infrastructure** ~~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.~~ ~~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.~~ ~~The Agency shall assess the information received and inform the Commission if such information~~

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).	~~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).~~

Justification:

Given the drop-in nature of SAF, no additional infrastructure is needed at airports to allow for SAF supply. Airports and regulators should focus on guaranteeing open and equitable access to the existing infrastructure at airports to allow for a competitive market both in fossil jet fuel and SAF. Otherwise, there's a risk of extending fuel monopolies into the SAF market, further driving prices up.

Blending SAF with conventional fuel at airports is not permitted under DEF STAN 91/91.

Article 7	
Text proposed by the Commission	*Amendment*
Reporting Obligations for Aircraft Operators By 31 March of each reporting year, aircraft operators shall report the following information to the Agency: (a) The total amount of aviation fuel uplifted at each Union airport, expressed in tonnes; (b) The yearly aviation fuel required, ~~per~~ Union airport, expressed in tonnes; (c) The yearly non-tanked quantity, per Union airport. If the yearly non-tanked quantity is negative or if it is lower than 10% of the yearly aviation fuel required, the reported yearly non-tanked quantity shall be reported as 0;	Reporting Obligations for Aircraft Operators By 31 March of each reporting year, aircraft operators shall report the following information to the Agency: (a) The total amount of aviation fuel uplifted ~~at each Union airport~~, expressed in tonnes; (b) The yearly aviation fuel required, ~~per Union airport~~, expressed in tonnes; (c) ~~The yearly non-tanked quantity, per Union airport. If the yearly non-tanked quantity is negative or if it is lower than 10% of the yearly aviation fuel required, the reported yearly non-tanked quantity shall be reported as 0;~~

(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. (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. The report shall be presented in accordance with the template laid down in Annex II. The report shall be verified by an independent verifier in compliance with the requirements set out in Articles 14 and 15 of Directive 2003/87/EC of the European Parliament and of the Council14, and in Commission Implementing Regulation (EU) 2018/206715	(d) The total amount of sustainable aviation fuel purchased from aviation fuel suppliers **or being self-supplied by aircraft operators**, for the purpose of operating their flights departing from Union airports, expressed in tonnes. (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. The report shall be presented in accordance with the template laid down in Annex II. The report shall be verified by an independent verifier in compliance with the requirements set out in Articles 14 and 15 of Directive 2003/87/EC of the European Parliament and of the Council14, and in Commission Implementing Regulation (EU) 2018/206715

Justification:

From a fuel purchasing perspective it is critical to allow airlines to fulfil their SAF blending obligation. Airlines should be able to go to SAF producers directly as opposed to be forced to purchase the blended product only from the conventional fuel suppliers. Allowing airlines to keep direct purchasing / procurement freedom for SAF supply will encourage competition and enable more reasonable prices.

Article 8	
Text proposed by the Commission	*Amendment*

Aircraft operator claiming of use of sustainable aviation fuels 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: (a) A declaration of greenhouse gas schemes they participate in and in which the use of sustainable aviation fuels may be reported; (b) A declaration that they have not reported identical batches of sustainable aviation fuels under more than one scheme. 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.	**Aircraft operator claiming of use of sustainable aviation fuels** (Keep EC text) **All aircraft operators and fuel suppliers should report their SAF purchases and deliveries into a central SAF repository system with EU oversight.** **In order to ensure transparency, lowest cost, highest efficiency and to prevent double counting or double claiming of environmental credits, a central accounting registry of SAF should be set up, with appropriate oversight of an EU Agency. Formalized and standardized documentation and tracking methods will ensure trust and auditability in the process.** **Sustainable Fuel Registry process** **A supplier generates a sustainability certificate based on the physical SAF environmental attributes and enters it into the registry. An aircraft operator can purchase the sustainability certificate from the supplier, the transaction is recorded in the registry while the associate physical delivery is separate (book and claim accounting system). Regulatory compliance with sustainability criteria is an entry requirement.**

Justification:

IATA position on RefuelEU legislative proposal
January 2022

The Book & Claim model is a practice where a sustainability claim made by a company is separated from the physical flow of Sustainable Aviation Fuel (SAF).

SAF is only available at a small number of locations across Europe (with a share of less than 0.1% of the current global fuel consumption) and substantially more expensive than conventional jet fuel. That is why it doesn't make sense to distribute small volumes around the world. That's where the Book & Claim accounting concept comes in.

Book and claim accounting system is the most efficient method to commercially deploy SAF in a situation with scarce capacity. The more competitive SAF is the faster the production industry develops.

SAF has essentially the same specification as conventional jet fuel. Under this system, an airline wishing to use SAF at an airport that doesn't have it can buy it from elsewhere. Their flight would receive normal jet fuel. And at the SAF-capable airport, other airlines would get the SAF. Then the airline paying the price premium for SAF will get the credit for doing so.

In other words: Book & Claim allows delivering SAF into the supply chain at one airport location and 'booking' the carbon reduction associated with it into a registry. Then the customer at another location can 'claim' those carbon reductions by purchasing their traditional jet fuel along with the benefit of the lifecycle carbon reductions that have been entered in that registry.

For the Book & Claim concept to work, an agreement around the SAF usage and registry will need to be in place.

Article 9	
Text proposed by the Commission	*Amendment*
Reporting obligations for fuel suppliers 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: (a) The volume of aviation fuel supplied at each Union airport; (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);	**Reporting obligations for fuel suppliers** 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: (a) The volume of aviation fuel supplied at ~~each~~ **a** Union airport; (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);

(c) The lifecycle emissions, origin of feedstock and conversion process of each sustainable aviation fuel type supplied at Union airports. The Agency shall have access to the Union database and shall use the information contained in the Union database, once the information has been verified at Member State level pursuant to Article 28 of Directive (EU) 2018/2001.	(c) The lifecycle emissions, origin of feedstock and conversion process of each sustainable aviation fuel type supplied at Union airports. The Agency shall have access to the Union database and shall use the information contained in the Union database, once the information has been verified at Member State level pursuant to Article 28 of Directive (EU) 2018/2001.

Justification:

SAF does not have to be supplied at each EU airport in order to meet the required blending obligations.

From a fuel purchasing perspective it is critical to allow airlines to fulfil their SAF blending obligation. Airlines should be able to go to SAF producers directly as opposed to be forced to purchase the blended product only from the conventional fuel suppliers. Allowing airlines to keep direct purchasing / procurement freedom for SAF supply will encourage competition and put pressure on price.

Article 11	
Text proposed by the Commission	*Amendment*
Enforcement (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. (2) Member States shall ensure that any aircraft operator failing to comply with the obligations laid down in Article 5 is liable to an	***Enforcement*** *(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* ***commensurate with the current price of carbon emissions but not greater than four times the current price of EUA (EU Allowances).*** *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.*

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;	*(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;*
(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 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;*
(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 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;	*(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 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;*
(5) In the decision imposing the administrative fines referred to in paragraphs 3 and 4, the competent authority shall explain the methodology applied for the determination of the price of aviation fuel, sustainable aviation fuel and synthetic aviation fuel on the Union market, based on verifiable and objective criteria;	*(5) In the decision imposing the administrative fines referred to in paragraphs 3 and 4, the competent authority shall explain the methodology applied for the determination of the price of aviation fuel, sustainable aviation fuel and synthetic aviation fuel on the Union market, based on verifiable and objective criteria;*
(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	*(6) Member States shall ensure that any aviation fuel supplier which has accumulated a shortfall from the obligation laid down in Article*

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; (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	*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;* *(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*

Justification:

There is a need to put a maximum fine in place to avoid that suppliers could inflate their prices towards the buy-out limit. The maximum fine should encourage fuel suppliers to keep SAF price at competitive level.

Article 12	
Text proposed by the Commission	*Amendment*
Data collection and publication *The Agency shall publish every year a technical report on the basis of the yearly reports referred to in Articles 7 and 9. That report shall contain at least the following information:* *(a) The amount of sustainable aviation fuel purchased by aircraft operators at Union level in*	***Data collection and publication*** *The Agency shall publish every year a technical report on the basis of the yearly reports referred to in Articles 7 and 9. That report shall contain at least the following information:* *(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;	*aggregate, for use on flights departing from a Union airport, and by Union airport;*
(b) The amount of sustainable aviation fuel and of synthetic aviation fuel supplied at Union level in aggregate and by Union airport;	*(b) The amount of sustainable aviation fuel and of synthetic aviation fuel supplied at Union level in aggregate and by Union airport;*
(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;~~*
(d) The status of compliance of airports regarding obligations set out in Article 6;	*(d) The status of compliance of airports regarding obligations set out in Article 6;*
(e) The compliance status of each aircraft operator and aviation fuel supplier having an obligation under this Regulation in the reporting period;	*(e) The compliance status of each aircraft operator and aviation fuel supplier having an obligation under this Regulation in the reporting period;*
(f) The origin and the characteristics of all sustainable aviation fuels purchased by aircraft operators for use on flights departing from Union airports.	*(f) The origin and the characteristics of all sustainable aviation fuels purchased by aircraft operators for use on flights departing from Union airports.*

Justification:

Price information is confidential and cannot be disclosed.

Article 13	
Text proposed by the Commission	*Amendment*
Transitional period 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.	***Transitional period*** *By way of derogation from Article 4, from 1 January 2025 until **31 December 2034 or until functional book and claim accounting system is implemented (whichever comes earlier)**, 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*

IATA position on RefuelEU legislative proposal
January 2022

Justification:

This article requires the implementation of a robust book and claim accounting system so that, during the transitional period, the system wide SAF supply meets the actual mandate.

Extending the transitional period to 31st December 2034 would allow a robust book & claim accounting system can be developed,

Article 14	
Text proposed by the Commission	*Amendment*
Reports and Review 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.	**Reports and Review** By **1 January 2025** and every ~~five~~ three 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.

IATA position on RefuelEU legislative proposal
January 2022

Justification:

For ambition levels beyond 2030, it is recommended to review the ambition trajectory (in 2025) and every three years as scale up feasibility becomes better understood.

The revision in 2025 should allow to align with the development of global SAF policies and ambitions at ICAO level where a potential global agreement could be reached by 2024.

An assessment report in 2025 should evaluate the actual availability of feedstock to meet the imposed ambition levels of SAF.

Annex I	
Text proposed by the Commission	*Amendment*
Annex I (volume shares)	**Annex I (volume shares)**
(a) From 1 January 2025, a minimum share of 2% of SAF;	(a) From 1 January 2025, 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;	(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;	(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;	(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.	(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	(f) From 1 January 2050, a minimum volume share of 63% of SAF, ~~of which a minimum share of 28% of synthetic aviation fuels~~

Justification:

A sub-mandate on Synthetic fuels (PtL) should be eliminated until more reliable information exists to forecast the competitiveness of synthetic fuel. Sustainability verification determines the GHG performance of SAF no matter what the technology or feedstock combination. Applying a sub mandate to a SAF option known to be the most complex and expensive is akin to a tax and is simply designed to constrain demand.