

Proposal for the attribution of competence between committees on the legislative package
“Fit for 55” - delivering the EU’s 2030 Climate Target on the way to climate neutrality

Horizontal rules _in the CCC recommendation of 01.10.2021 - with amendment:

- Rapporteurs of the associated committees shall be invited to participate in all lead committees’ shadow meetings, to seek to ensure that the positions of their committees are included in the final compromise amendments to be voted by the lead committee;
- In order to safeguard the right of associated committees to re-table amendments at plenary stage, Parliament’s mandate to enter negotiations with Council shall be a plenary mandate (Rule 71 paragraph 1 shall not apply);
- Rapporteurs of the associated committees shall be invited to attend trilogues and participate in their preparatory meetings;
- The position of the associated committees shall be duly taken into account by the lead committee when evaluating the outcome of the negotiations.
- Furthermore, in order to ensure the consistency of the entire legislative package, the Chairs agreed in principle that, where provisions of one proposal are reflected as a pure cross-reference in another proposal for which another committee is in the lead, that committee shall endeavour not to modify the substance of those provisions.

TABLE 1 - Proposals on which the attribution of competence has been confirmed at the CCC meeting of 14 September 2021

	Commission proposal	Attribution confirmed at CCC meeting of 14/09/2021
1	<p>Effort Sharing Regulation <i>2021/0200 (COD)</i></p> <p>(Proposal for a Regulation amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement)</p>	<p>Lead: ENVI</p> <p>Rule 56: ITRE, TRAN, AGRI, BUDG</p>
2	<p>Revision of the Regulation on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry (LULUCF) <i>2021/0201 (COD)</i></p> <p>(Proposal for a Regulation amending Regulations (EU) 2018/841 as regards the scope, simplifying the compliance rules, setting out the targets of the Member States for 2030 and committing to the collective achievement of climate neutrality by 2035 in the land use, forestry and agriculture sector, and (EU) 2018/1999 as regards improvement in monitoring, reporting, tracking of progress and review)</p>	<p>Lead: ENVI</p> <p>Rule 57: AGRI (with shared competences over Article 2.3 and Article 4.4)</p> <p>Rule 56: ITRE, IMCO, TRAN, BUDG</p>
3	<p>Amendment to the Renewable Energy Directive <i>2021/0218 (COD)</i></p>	<p>Lead: ITRE</p>

	(Proposal for a Directive amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652)	Rule 57: ENVI ¹ Rule 56+: TRAN, AGRI Rule 56: DEVE, IMCO, PETI
4	Directive on energy efficiency (recast) <i>2021/0203 (COD)</i> (Proposal for a Directive on energy efficiency (recast))	Lead: ITRE Rule 56 +: ENVI Rule 56: TRAN (requested)
5	CO2 emission standards for cars and vans <i>2021/0197 (COD)</i> (Proposal for a Regulation amending Regulation (EU) 2019/631 as regards strengthening the CO2 emission performance standards for new passenger cars and new light commercial vehicles in line with the Union's increased climate ambition)	Lead: ENVI Rule 56: TRAN, ITRE
6	Deployment of the alternative fuel infrastructure <i>2021/0223 (COD)</i> (Proposal for a Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council)	Lead: TRAN Rule 56: ITRE, ENVI
7	Revision of the Energy Tax Directive	Lead: ECON

¹ details set out in annex "Amendment to the Renewable Energy Directive - ENVI competences under Rule 57

	<p>2021/0213 (CNS)</p> <p>(Proposal for a Council Directive on restructuring the Union framework for the taxation of energy products and electricity (recast))</p>	<p>Rule 57: ITRE (with exclusive competence over energy-related definitions, in particular Art 2(4)-(5) to ensure consistency with the Renewable Energy Directive and shared competence over the rest of the text)</p> <p>Rule 56 : ENVI, TRAN, JURI</p>
8	<p>Market Stability Reserve</p> <p>2021/0202 (COD)</p> <p>(Proposal for a Decision amending Decision (EU) 2015/1814 as regards the amount of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading scheme until 2030)</p>	<p>Lead: ENVI</p>

TABLE 2 - New proposals for which the attribution of competence remains to be established

	Commission proposal	Proposal for lead and associated committees
1	<p>Revision of the EU ETS Directive</p> <p>2021/0211 (COD)</p> <p>(Proposal for a Directive amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757))</p>	<p>Lead: ENVI</p> <p>Rule 57: ITRE with shared competences on the specific provisions on carbon leakage and the modernisation and innovation funds only</p> <p>Rule 56+: TRAN</p>

		<p>Rule 57: BUDG with shared competences on those aspects of the proposal that directly concern the MFF, the own resources and the Union budget, taking into account the implications of the proposal on the design of the EU's budget. The BUDG Rapporteur/Chair is to be invited to all meetings and negotiations when Union revenues/own resources are discussed.</p> <p>Rule 56: DEVE</p>
2	<p>Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) 2021/0204 (COD)</p> <p>(Proposal for a Decision amending Directive 2003/87/EC as regards the notification of offsetting in respect of a global market-based measure for aircraft operators based in the Union)</p>	<p>Lead: ENVI</p> <p>Rule 57 shared +” on whole proposal: TRAN</p>
3	<p>Revision of the EU ETS for Aviation 2021/0207(COD)</p> <p>(Proposal for a Directive amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and appropriately implementing a global market-based measure)</p>	<p>Lead: ENVI</p> <p>Rule 56+: TRAN</p> <p>Rule 56: ITRE</p>
4	<p>ReFuelEU Aviation – sustainable aviation fuels 2021/0205 (COD)</p> <p>(Proposal for a Regulation on ensuring a level playing field for sustainable air transport)</p>	<p>Lead: TRAN</p> <p>Rule 57 shared on whole proposal: ITRE, ENVI</p>

5	<p>FuelEU Maritime – green European maritime space 2021/0210 (COD)</p> <p>(Proposal for a Regulation on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC)</p>	<p>Lead: TRAN</p> <p>Rule 57 shared on whole proposal: ITRE, ENVI</p>
6	<p>Carbon border adjustment mechanism 2021/0214 (COD)</p> <p>(Proposal for a Regulation establishing a carbon border adjustment mechanism)</p>	<p>Lead: ENVI</p> <p>Rule 57 shared “ on provisions relating to carbon leakage²: ITRE</p> <p>Rule 57: INTA³</p> <p>Rule 57: BUDG with shared competences on those aspects of the proposal that directly concern the MFF, the own resources and the Union budget, taking into account the implications of the proposal on the design of the EU’s budget. The BUDG Rapporteur/Chair is to be invited to all meetings and negotiations when Union revenues/own resources are discussed.</p> <p>Rule 56: FISC/ECON, AGRI (requested), IMCO</p>
7	<p>Social Climate Fund 2021/0206 (COD)</p> <p>(Proposal for a Regulation establishing a Social Climate Fund)</p>	<p>Lead: EMPL & ENVI (rule 58)</p> <p>Rule 57: BUDG with shared competences on those aspects of the proposal that directly concern the MFF, the own resources and the Union budget, taking into account the implications of the</p>

² Art. 1, Art. 2 (1), (7), (9b), Art. 5 (2), (6), Art 30, Art 31, Annex I

³ Details on the modalities for cooperation are set out in the joint ENVI/INTA agreement letter in annex (30.09.2021)

		<p>proposal on the design of the EU's budget. The BUDG Rapporteur/Chair is to be invited to all meetings and negotiations when Union revenues/own resources are discussed.</p> <p>Rule 56+: ITRE, TRAN,</p> <p>Rule 56:, REGI</p>
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D 305997 30.09.2021

Subject: Agreement between INTA and ENVI regarding the division of competences on the proposal for a regulation establishing a carbon border adjustment mechanism (2021/0214 (COD))

Dear Chair,

The INTA committee requested in its letter of 13 September 2021 (D 205304) to be associated pursuant to Rule 57 to the ENVI report on the proposal for a Regulation of the European Parliament and the Council establishing a carbon border adjustment mechanism (2021/0214(COD)).


Following fruitful exchanges between us Chairs, we are pleased to inform you that our respective committees have come to the following agreement.

ENVI will be the lead committee for this proposal. Building on the excellent cooperation and division of competences with respect to the ENVI-led own-initiative report *Towards a WTO-compatible EU carbon border adjustment mechanism* (2020/2043(INI)), INTA will be associated to the report pursuant to Rule 57 with both exclusive and shared competences as listed below (Annex I).

ENVI also recognises INTA's exclusive competences with respect to WTO-compatibility and free trade agreements even if there are no specific provisions referring to them in the proposal. On these grounds, the INTA rapporteur for opinion will be able to contribute to the ENVI position and, should the negotiated text touch upon INTA's exclusive competences, rectify, where necessary, the negotiated compromises during ENVI shadows' meetings. At the same time, the INTA rapporteur will contribute to the dialogue in ENVI to ensure that provisions under INTA exclusive competence do not harm the coherence of text as negotiated by ENVI. The INTA rapporteur for opinion will thus be invited to ENVI Shadows' meetings ahead of the adoption of the report in Parliament and during informal tripartite negotiations with Council.

We are looking forward to start working on this key legislative report in a spirit of cooperation.


Yours sincerely,
Bernd LANGE
INTA Chair


Pascal CANFIN
ENVI Chair

Annex I

List of INTA's Exclusive Competences

- ▶ Article 2: paragraph 4 - on non-preferential rules of origin regarding imported goods
- ▶ Article 3: point 4 and 6 - definitions of 'importation' and 'third country'
- ▶ Article 4 - on importation of goods
- ▶ Article 25 - on procedures at the border when goods are imported
- ▶ Article 27: paragraphs 1 and 4 - on the Commission's role to address circumvention and the reasons to be included in the Member States' notification
- ▶ Article 33 - on importation of goods
- ▶ Article 34 - on reporting obligation for certain custom procedures

List of INTA's Shared Competences

- ▶ Article 1: paragraph 1 - subject matter on establishing CBAM and linking the greenhouse gas emissions embedded in goods and the importation into the Union customs territory to prevent the risk of carbon leakage
- ▶ Article 2: paragraphs 1-3, 7 (a), 8, 9, 10 and 12 - scope on imported goods, agreements with third countries in the field of electricity, territories listed in Annex II, agreements with third countries to take into account carbon pricing
- ▶ Article 3: paragraphs 1, 12, 13 and 18 - definitions on 'goods', 'customs authorities', 'declarant' and 'CBAM certificate'
- ▶ Article 5 - on application for an authorisation
- ▶ Article 6 - on CBAM declaration
- ▶ Article 9 - on carbon price paid in a country of origin
- ▶ Article 10 - on registration of operators and installations in third countries
- ▶ Article 15 - on central administrator
- ▶ Article 17: paragraph 1 (a) - on infringements of custom legislation
- ▶ Article 19 - on review of CBAM declarations
- ▶ Article 27: paragraphs 2, 3 and 5 - on circumvention regarding goods listed in Annex I and the Commission's empowerment to adopt delegated acts to supplement the scope of the Regulation for anti-circumvention purposes
- ▶ Article 35 - on reporting obligation
- ▶ Annex II - on countries and territories outside the scope of the Regulation

ANNEX

ENVI competences under Rule 57 - Amendment to the Renewable Energy Directive (2021/0218(COD))

Amendments to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources

ENVI exclusive competences:

- Article 1, point 1 (b) - Article 2, second paragraph, point (47) (definition of “default value”)
- Article 1, point 18 - Article 29 (Sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels)
- Article 1, point 19 - Article 29a (new) (Greenhouse gas emissions saving criteria for renewable fuels of non-biological origin and recycled carbon fuels)
- Article 1, point 20 - Article 30 (compliance with the sustainability and greenhouse gas emissions saving criteria)
- Article 1, point 21 - Article 31 (Calculation of the greenhouse gas impact of biofuels, bioliquids and biomass fuels)
- Annex I - Amendments to Annexes to Directive (EU) 2018/2001: point 5 - amending Annex V, point 6 - amending Annex VI and point 8 - amending Annex IX

ENVI shared competences:

- Article 1, point 1, point (c) - Article 2, second paragraph, points (1a) (new) (definition of “quality roundwood”)
- Article 1, point 2, point (b) - Article 3, paragraph 3 (minimisation of harmful effects of biomass on biodiversity and respect for the waste hierarchy)
- Article 1, point 5, point (c) - Article 15, paragraph 8, second subparagraph (Integrated national energy and climate plans)
- Article 1, point 13, point (b) - Article 24, paragraph 4, 3rd subparagraph (implement renewables increase in the integrated national energy and climate plans)
- Article 1, point 14 - Article 25
- Article 1, point 15 - Article 26 (biofuels, bioliquids and biomass from food and feedcrops)
- Article 1, point 16, points (a)-(d) - Article 27 (calculation minimum share of renewables in transport sector)
- Article 1, point 17, points (a) (the deletion of paragraph 4), (b) and (c) - Article 28 (renewables in transport sector)

- Article 1, point 22 - Article 31a (Union database)

ANNEX

[Article 1, point 23, points (a), (b), (c) - Article 35, paragraphs 2, 4, 7 (exercise of the delegation): references to Article 29a(3), Article 26(2), fourth subparagraph, Article 26(2) fifth subparagraph, Article 27(1), second subparagraph, Article 27(3), fourth subparagraph, Article 28(5), Article 28(6), second subparagraph, Article 31(5), second subparagraph, and Article 31a(2), second subparagraph and all corresponding Recitals are to be aligned with the division of competences as set out above.]

Amendments to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources - (new elements)

ENVI shared competences:

- Article 1, point 1, point (c) - Article 2, second paragraph, points (14f) (definition of ‘domestic battery’), (14g) (definition of ‘electric vehicle battery’), (14h) (definition of ‘industrial battery’), (14i) (definition of ‘state of health’) and (14j) (definition of ‘state of charge’)
- Article 1, point 10 - Article 20a (new), paragraph 2 (facilitating system integration of renewable electricity)
- Article 1, point 11 - Article 22a (new) - paragraph 1, 2nd subparagraph (mainstreaming renewable energy in industry)

Amendments to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC

ENVI exclusive competences:

- Article 3 - Amendments to Directive 98/70/EC
- Article 4 - Transitional Provisions (related to Directive 98/70/EC)
- Annex II - Amendments to Annexes I, II, IV and V to Directive 98/70/EC

(NB: with the exception of the definitions in Article 2, point 8 - “supplier” (ITRE exclusive competence) and point 9 - “biofuels” (ITRE/ENVI shared competence)

ANNEX

Amendments to Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action

ENVI shared competences:

- Article 2