



**COMMISSION DECISION (EU) 2024/1797**  
**of 27 June 2024**

**amending Decision (EU) 2023/2440 as regards the adjustment of the quantity of allowances and the transfer of allowances to the Innovation Fund**

**(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 emission allowances trading within the Union and amending Council Directive 96/61/EC (¹), and in particular Article 3c(5) thereof,

Whereas:

- (1) Article 3c of Directive 2003/87/EC sets the calculation methodology for the total quantity of allowances to be allocated to aircraft operators for the year 2024 for flights within the European Economic Area and departing to Switzerland and to the United Kingdom, supplementing the amount of 1 386 051 745 allowances determined in Commission Decision (EU) 2023/1575 (²).
- (2) The Union-wide total quantity of allowances to be allocated in respect of aircraft operators under the EU Emissions Trading System for 2024, calculated on the basis of the available data, is published in Commission Decision (EU) 2023/2440 (³). In order to take into account the latest information on exclusions of aircraft operators, it is necessary to update that quantity of allowances.
- (3) Directive (EU) 2023/958 of the European Parliament and of the Council (⁴) amended Directive 2003/87/EC to base the total quantity of allowances to be allocated in respect of aircraft operators for the year 2024 on the total allocation of allowances in respect of aircraft operators that were performing aviation activities listed in Annex I to Directive 2003/87/EC in the year 2023. Accordingly, aircraft operators that were excluded for the year 2023 should not be taken into account in the calculation, as those operators had no aviation activity listed in Annex I to Directive 2003/87/EC in the year 2023. Emissions in 2023 were reported by 31 March 2024. This provided for the definitive data on exclusions in 2023. Taking this into account, the total allocation of allowances in respect of aircraft operators that were performing aviation activities listed in Annex I to Directive 2003/87/EC in the year 2023 amounts to 28 893 755 allowances.
- (4) Article 10a(8), third subparagraph, of Directive 2003/87/EC requires that allowances that were not issued to aircraft operators due to them ceasing operations and which are not necessary to cover any shortfall in surrenders by those operators are to be used for innovation support through the Innovation Fund as referred to in Article 10a(8), first subparagraph, of that Directive. In accordance with Article 10a(8), eighth subparagraph, the Innovation Fund may also support electrification of aviation and actions to reduce its overall climate impacts. Taking into account the aircraft operators having ceased activity until 31 December 2023, this amounts to 1 988 951 allowances.

(¹) OJ L 275, 25.10.2003, p. 32, ELI: <http://data.europa.eu/eli/dir/2003/87/oj>.

(²) Commission Decision (EU) 2023/1575 of 27 July 2023 on the Union-wide quantity of allowances to be issued under the EU Emissions Trading System for 2024 (OJ L 192, 31.7.2023, p. 30, ELI: <http://data.europa.eu/eli/dec/2023/1575/oj>).

(³) Commission Decision (EU) 2023/2440 of 27 October 2023 on the Union-wide total quantity of allowances to be allocated in respect of aircraft operators under the EU Emissions Trading System for 2024 (OJ L 2023/2440, 31.10.2023, ELI: <http://data.europa.eu/eli/dec/2023/2440/oj>).

(⁴) Directive (EU) 2023/958 of the European Parliament and of the Council of 10 May 2023, amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and the appropriate implementation of a global market-based measure (OJ L 130, 16.5.2023, p. 115, ELI: <http://data.europa.eu/eli/reg/2023/958/oj>).

(5) In accordance with Article 9 of Directive 2003/87/EC, the linear reduction factor is 4,3 % for the years 2024 to 2027, and 4,4 % from 2028. To apply the 4,3 % reduction in 2024, compared to 2023 levels, the linear reduction factor has been calculated based on the allocation in the year 2020, and amounts to 1 330 226 allowances for each of the years 2024 to 2026. The application of this linear reduction factor results in 27 563 529 allowances for the year 2024.

(6) In order for the free allocation to aircraft operators to be calculated in accordance with Article 3d(1) of Directive 2003/87/EC, Article 3c(5) of that Directive requires the Commission to also publish the amount of free allocation which would have taken place in 2024 under the rules for free allocation in force prior to the amendments introduced by Directive (EU) 2023/958. This amount is 85 % of the total quantity of allowances to be allocated in respect of aircraft operators or to supplement innovation support through the Innovation Fund established by Article 10a(8) of Directive 2003/87/EC.

(7) Decision (EU) 2023/2440 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision (EU) 2023/2440 is amended as follows:

(1) Articles 1 and 2 are replaced by the following:

*'Article 1*

The total quantity of allowances to be allocated in respect of aircraft operators for 2024 referred to in Article 3c(5) of Directive 2003/87/EC amounts to 27 563 529.

*Article 2*

The quantity of free allocation which would have taken place in 2024 under the rules for free allocation in force prior to the amendments introduced by Directive (EU) 2023/958 amounts to 23 429 000.;

(2) the following Article 2a is inserted:

*'Article 2a*

Taking into account the aircraft operators having ceased activity until 31 December 2023, 1 988 951 allowances shall be transferred to the Innovation Fund established by Article 10a(8) of Directive 2003/87/EC.'

*Article 2*

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

Done at Brussels, 27 June 2024.

*For the Commission*

*The President*

Ursula VON DER LEYEN