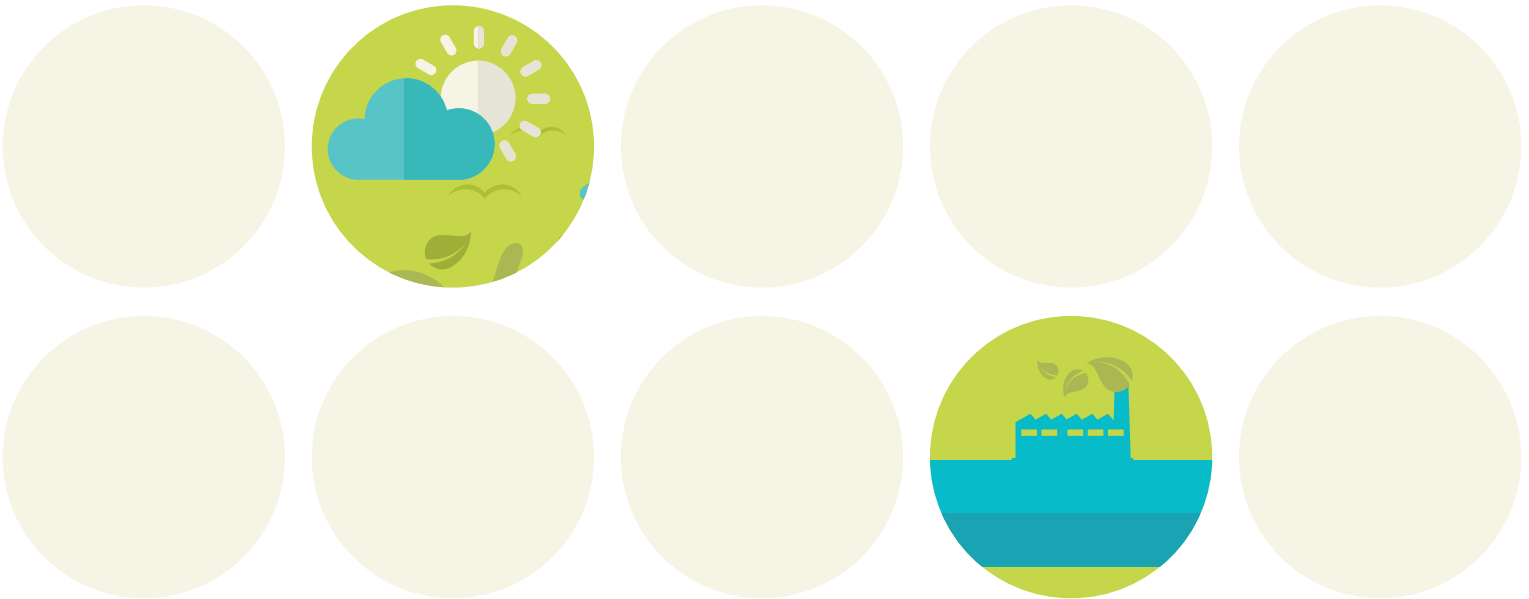




Guidelines for the Coordinated Transfer of EU Legislation in the Field of Climate Change

Activity 4.1 of the LOCSEE project (Low Carbon South East Europe)



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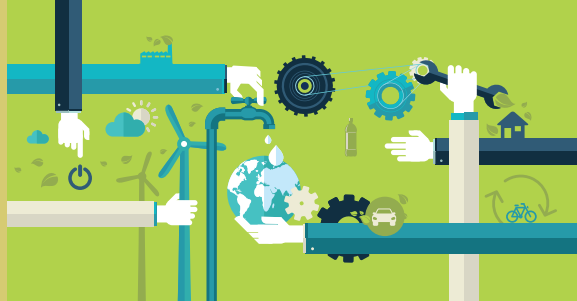


CONTENTS

INTRODUCTION	5
CONCEPTUAL MAP: LEGAL FRAMEWORK FOR ACHIEVING THE “20-20-20” TARGETS OF THE 2020 CLIMATE AND ENERGY PACKAGE OF EUROPEAN UNION1	7
1 FACTSHEETS	9
1.1 THE KYOTO PROTOCOL AND EU EMISSION LEVELS	12
1.2 THE EU EMISSIONS TRADING SCHEME	13
1.3 REGISTRY	18
1.4 AUCTIONING	24
1.5 FREE ALLOCATION	29
1.6 MONITORING, REPORTING, VERIFICATION AND ACCREDITATION	32
1.7 CARBON LEAKAGE	40
1.8 THE NER300 FINANCING INSTRUMENT	41
1.9 GREENHOUSE GAS EMISSIONS AND MONITORING FOR NON-ETS SECTORS	43
1.10 CARBON CAPTURE AND STORAGE	49
1.11 QUALITY OF FUELS	52
1.12 OZONE LAYER PROTECTION	59
1.13 LAND USE, LAND-USE CHANGE AND FORESTRY	64
1.14 RENEWABLE ENERGY SOURCES	66
1.15 BUILDINGS	70
1.16 ENERGY EFFICIENCY	72
1.17 AVIATION	75
1.18 ROAD TRANSPORT	77
1.19 F-GASES	85
2 LIST OF LEGISLATIVE PROSPOSALS GROUPED BY SECTOR	94
2.1 EU EMISSIONS TRADING SCHEME (EU ETS)	94
2.2 AUCTIONING	94
2.3 FREE ALLOCATION	94
2.4 RENEWABLE ENERGY SOURCES	95
2.5 ROAD TRANSPORT	95
2.6 F-GASES	95

3	BRIEF INTRODUCTION TO MAIN STRATEGIC DOCUMENTS	96
3.1	A ROADMAP FOR MOVING TO A COMPETITIVE LOW-CARBON ECONOMY IN 2050 - COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS	96
3.2	A POLICY FRAMEWORK FOR CLIMATE AND ENERGY IN THE PERIOD FROM 2020 TO 2030 - COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS	98
3.3	DELIVERING THE INTERNAL ELECTRICITY MARKET AND MAKING THE MOST OF PUBLIC INTERVENTION - COMMUNICATION FROM THE COMMISSION	100
4	ADDITIONAL BIBLIOGRAPHY	102
5	ABBREVIATIONS	108
	ANNEX 1: DETAILED LIST OF EU CLIMATE CHANGE LEGISLATION ANALYSED IN SECTION I	109
	ANNEX 2: DERIVING LEGISLATIVE ACTS	114

INTRODUCTION



The European Union (EU) is committed to transformation into a highly energy efficient low-carbon economy, and to this end it has adopted legally binding targets for reducing its greenhouse gas (GHG) emissions up to 2020 with a view towards 2050.

In March 2007, the European Council committed Europe to cutting its GHG emissions to 20 percent below 1990 levels and to increasing the share of renewable energy sources (RES) in EU energy consumption to 20 percent by 2020. These objectives were further clarified by the European Commission (EC) in Communication (2008) 30 (20 20 by 2020 – Europe’s climate change opportunity) and enacted via a package of binding legislation, the so-called Climate and Energy Package, in 2009. This framework combines four complementary legislative approaches: the reform of the EU Emissions Trading Scheme (ETS) via a review of the EU ETS Directive and the application of a new regime from 2013; the establishment of national binding targets for emissions from sectors not included in the EU ETS (the Effort Sharing Decision - ESD); the adoption of national renewable energy targets (the Renewable Energy Directive); and a legal regime on carbon capture and storage (CCS) technologies (the CCS Directive).

The objective of cutting 20 percent of energy consumption through energy efficiency was addressed via an ad hoc plan in 2011 and by the Energy Efficiency Directive (2012).

Building on this expanded legal foundation, EU climate legislation further evolved with the inclusion of new issues (forestry and agriculture, energy performance of buildings etc.) and amendments to existing instruments (on fuels, transportation etc.). Other implementing acts have been developed to regulate several procedural aspects (monitoring and reporting on emissions, verification, accreditation of verifiers etc.).

In the long term, the EC’s “Roadmap for moving to a competitive low-carbon economy in 2050” sets out a cost-effective pathway for achieving far deeper emissions cuts by the middle of the century.

The LOCSEE project aims to strengthen the capacity and knowledge of public authorities and other insti-

tutions dealing with climate change. Understanding, implementing and enforcing EU climate change legislation is essential in order to address the emerging challenges and meet the GHG emissions reduction targets adopted by the EU.

In this context, the present guidelines aim to:

- list all sectoral and cross-sectoral legal acts related to climate change;
- facilitate understanding of each binding instrument via an overview of the main obligations, tools, institutional innovations, objectives, and quantitative and qualitative targets;
- identify interconnections among different legislative acts in the interests of coherent and efficient implementation; and
- outline the evolution of EU climate legislation by identifying the amendments and repeals connected to each of the analysed legislative acts and by referring to recent legislative proposals that are currently under discussion and that might enter into force in the near future.

The guidelines are directed primarily at beneficiary countries of the Instrument for Pre-accession Assistance (IPA), which are required to align their national legislation with the *acquis communautaire* in the fields of climate action and ozone layer protection (among other things) before full membership is granted. The guidelines therefore aim to provide IPA countries with an appropriate tool in the form of a concise but comprehensive overview of each relevant legislative act (decisions, directives and regulations).

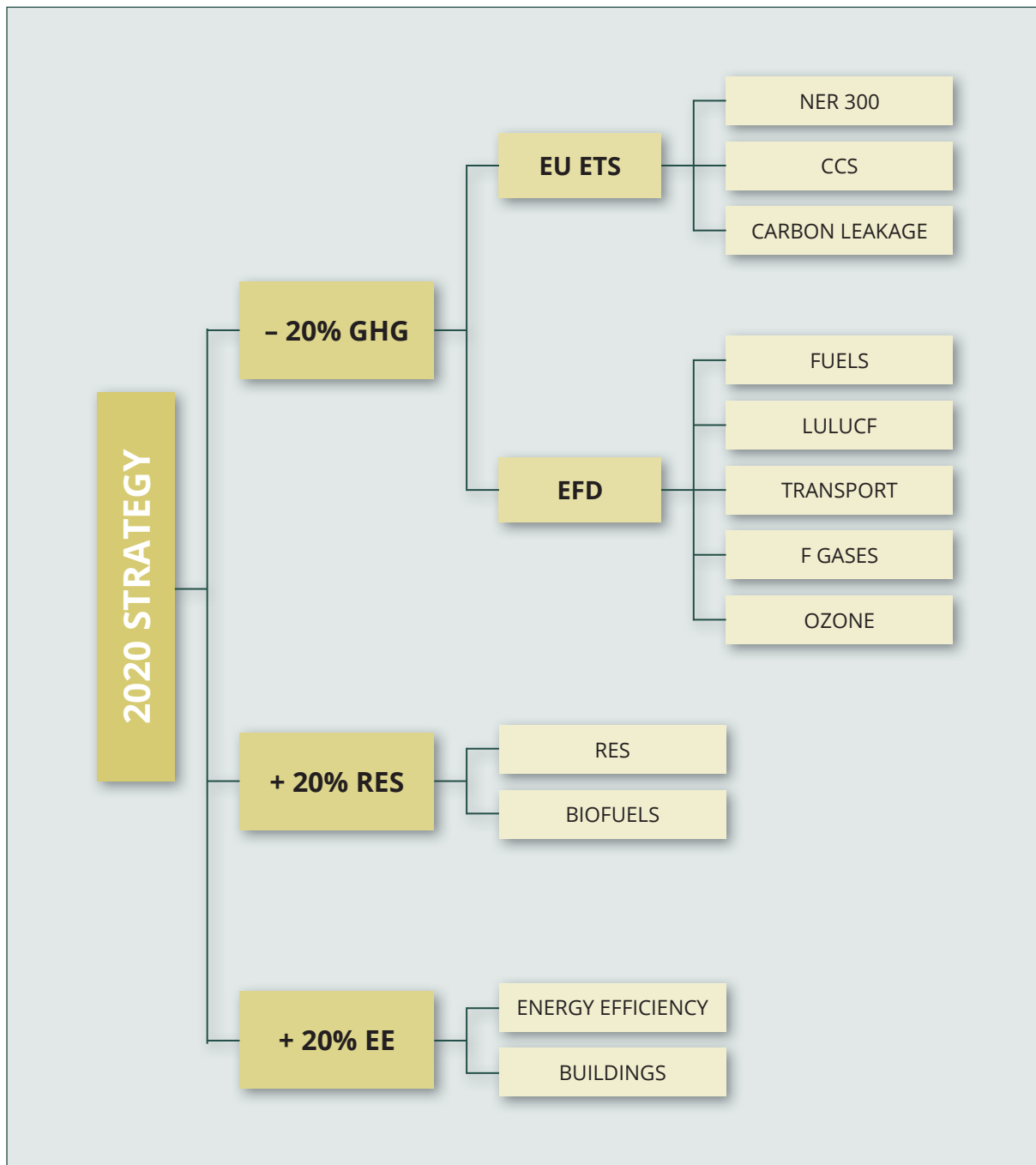
The guidelines are divided into two sections:

- The first section comprises a series of factsheets, each analysing an EU legislative act related to climate change. The factsheets are grouped according to sector. This section also contains a list of legislative proposals, anticipating the future development of EU law in this field. It offers an overview of relevant strategic documents, and further implementation inputs and guidelines can be found in the bibliography.
- The second section explores legislative synergies based on the numerous cross-references contained in the acts analysed in the first section. It also offers recommendations for more coherent and efficient implementation at national level.

Conceptual map: Legal framework for achieving the “20-20-20” targets of the 2020 climate and energy package of European Union¹

The figure below seeks to visualise the development of EU legislation on climate change as already explained in the Introduction. It highlights the relevant connections between the final objectives (the “20-20-20” targets) and their enacting instruments.

The Kyoto Protocol and EU emission levels



¹ CCS: Carbon capture and storage; EE: Energy efficiency; ESD: Effort sharing decision; ETS: Emissions Trading System; F-Gases: Fluorinated gases; GHG: Green-house gas; LULUCF: Land use, land-use change and forestry; MRV: Monitoring, reporting and verification; NER 300: New entrants' reserve 300 million; RES: Renewable energy sources

Section 1

EU CLIMATE CHANGE LEGISLATION

1 FACTSHEETS

The first section of the guidelines focuses on EU legislation related to climate change. It aims to facilitate understanding of existing EU climate change-related legal instruments, in particular on the part of IPA beneficiary countries, which are requested to align their national law with EU law before being granted EU membership. The legislative acts (directives, decisions, implementing decisions and regu-

lations) analysed in this section have been grouped according to sector. Each factsheet corresponds to a legal act and examines its key content, while at the same time highlighting relevant connections with other legislation and with strategic and implementation documents. Each factsheet follows the same structure (individual categories are omitted where not applicable).

Name of the legislative act

Amended by/repealing

...

General description

Subject matter and main goal

Basic principles, essential tools and implementing measures

Institutional scheme/ad hoc bodies

Numerical/quantitative targets and other requirements

Deadlines (for transposition in the case of directives, or for review etc.)

Link to the original text of the legislative act

<http://>

The following sectors are covered:

- The implementation of the international climate change framework at EU level
- The EU ETS, which has become the EU's key tool for reducing GHG emissions from industry
- EU ETS implementing legislation in the fields of:
 - free allocation
 - auctioning
 - monitoring and reporting
 - verification and accreditation
 - registry
 - carbon leakage
- The development of CCS technologies to trap and store CO₂ emitted by power stations and other major industrial installations
- National binding targets to reduce GHG emissions, excluding those covered by the EU ETS
- Binding targets to reduce CO₂ emissions from cars and vans as well as in the aviation sector
- Ozone layer protection and fluorinated gases (F-gases)

- Land use, land-use change and forestry (LULUCF)
- Energy production from RES (e.g. wind, solar and biomass)
- Increasing Europe's energy efficiency by 20 percent by 2020 by improving the energy efficiency of buildings and of a wide array of equipment and household appliances.

This first section includes further key aspects of the effective implementation of the EU's political and executive framework in the field of climate change, in particular:

- a list of new legislative proposals to keep parties abreast of upcoming acts and EU legislative development;
- a collection of relevant strategic documents reflecting the current and long-term path followed by the EU; and
- a bibliography, including jurisprudence cases, implementation documents, further guidelines and acts of various kinds.

Table 1 Sectors and legislative acts

SECTOR	CORRESPONDING LEGISLATIVE ACT(S)
The United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol	<ul style="list-style-type: none"> ● Commission Decision 2006/944/EC ● Council Decision 2002/358/EC
EU ETS	<ul style="list-style-type: none"> ● Directive 2003/87/EC ● Commission Regulation (EU) No 550/2011 ● Commission Decision 2005/381/EC
Registry	<ul style="list-style-type: none"> ● Commission Regulation (EU) No 389/2013
Auctioning	<ul style="list-style-type: none"> ● Commission Regulation (EU) No 1031/2010
Free allocation	<ul style="list-style-type: none"> ● Commission Decision 2011/278/EU
Monitoring, reporting, verification and accreditation	<ul style="list-style-type: none"> ● Commission Regulation (EU) No 600/2012 ● Commission Regulation (EU) No 601/2012
Carbon leakage	<ul style="list-style-type: none"> ● Commission Decision 2010/2/EU
NER 300	<ul style="list-style-type: none"> ● Commission Decision 2010/670/EU
GHG emissions and monitoring for non-ETS sectors	<ul style="list-style-type: none"> ● Commission Implementing Decision 2013/634/EU ● Regulation (EU) No 525/2013 ● Commission Decision 2013/162/EU ● Decision 406/2009/EC
CCS	<ul style="list-style-type: none"> ● Directive 2009/31/EC
Quality of fuels	<ul style="list-style-type: none"> ● Directive 2003/30/EC ● Commission Decision 2002/159/EC ● Council Directive 1999/32/EC ● Directive 98/70/EC
Ozone layer protection	<ul style="list-style-type: none"> ● Commission Regulation (EU) No 537/2011 ● Commission Decision 2010/372/EU ● Regulation (EC) No 1005/2009
LULUCF	<ul style="list-style-type: none"> ● Decision 529/2013/EU
RES	<ul style="list-style-type: none"> ● Directive 2009/28/EC
Buildings	<ul style="list-style-type: none"> ● Directive 2010/31/EU



SECTOR	CORRESPONDING LEGISLATIVE ACT(S)
Energy efficiency	<ul style="list-style-type: none"> ● Directive 2012/27/EU
Aviation	<ul style="list-style-type: none"> ● Commission Decision 2011/638/EU ● Commission Regulation (EU) No 394/2011 ● Commission Decision 2011/389/EU ● Commission Decision 2011/149/EU ● Commission Decision 2009/450/EC
Road transport	<ul style="list-style-type: none"> ● Commission Delegated Regulation (EU) No 114/2013 ● Commission Implementing Regulation (EU) No 293/2012 ● Commission Delegated Decision 2012/99/EU ● Commission Implementing Regulation (EU) No 725/2011 ● Regulation (EU) No 510/2011 ● Commission Regulation (EU) No 63/2011 ● Commission Regulation (EU) No 1014/2010 ● Regulation (EC) No 443/2009 ● Directive 1999/94/EC
F-gases	<ul style="list-style-type: none"> ● Commission Regulation (EC) No 308/2008 ● Commission Regulation (EC) No 307/2008 ● Commission Regulation (EC) No 306/2008 ● Commission Regulation (EC) No 305/2008 ● Commission Regulation (EC) No 304/2008 ● Commission Regulation (EC) No 303/2008 ● Commission Regulation (EC) No 1516/2007 ● Commission Regulation (EC) No 1497/2007 ● Commission Regulation (EC) No 1494/2007 ● Commission Regulation (EC) No 1493/2007 ● Commission Regulation (EC) No 706/2007 ● Regulation (EC) No 842/2006 ● Directive 2006/40/EC

1.1 THE KYOTO PROTOCOL AND EU EMISSION LEVELS



Commission Decision of 14 December 2006 determining the respective emission levels allocated to the Community and each of its Member States under the Kyoto Protocol (2006/944/EC)

Amended by

Commission Decision 2010/778/EU

General description

Subject matter and main goal

This decision sets the emission levels allocated to the European Community and each Member State on the basis of the revised base-year emissions data submitted by Member States for the first commitment period under the Kyoto Protocol.

Numerical/quantitative targets and other requirements

The assigned amount units issued by the Union are 19,357,532 tonnes of carbon dioxide equivalent,

which corresponds to the difference between the emission levels of the Union and the sum of the emission levels of Member States.

The respective emission levels are quantified in terms of carbon dioxide equivalent.

Deadlines

The emission levels set out in this decision concern the first commitment period under the Kyoto Protocol.

Original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006D0944:20101216:EN:PDF>

Council Decision of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder (2002/358/EC)

General description

The UNFCCC pursues the stabilisation of GHG concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system. This long-term objective has required the adoption of an instrument aimed at strengthening the emissions reduction efforts beyond 2000 — the Kyoto Protocol.

Subject matter and main goal

This decision approves the Kyoto Protocol to the UNFCCC on behalf of the EU.

Basic principles, essential tools and implementing measures

The EU and its Member States have to fulfil their commitments under the protocol jointly.

The assigned amount of the European Community

and of each Member State has to equal its respective emission level (Article 3).

Institutional scheme/ad hoc bodies

The Climate Change Committee has to assist the EC in the development of its tasks.

Numerical/quantitative targets and other requirements

Annex II to the decision specifies the quantified emission limitation and reduction commitments for the determination of the respective emission levels allocated to the European Community and its Member States in the commitment period 2008 to 2012.

Original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002D0358:EN:HTML>

1.2 THE EU EMISSIONS TRADING SCHEME



Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

Amended by

- Directive 2004/101/EC
- Directive 2008/101/EC
- Regulation (EC) No. 219/2009
- Directive 2009/29/EC
- Treaty of Accession of Croatia (2012)

General description

Subject matter and main goal

This directive establishes the EU ETS, creating the first and biggest market for trading GHG emissions allowances within the European Community (28 EU Member States and three states from the European Economic Area (EEA) and European Free Trade Association (EFTA). This is a fundamental tool to combat climate change; reduce GHG emissions from the power sector and industry cost-effectively; and pursue the fulfilment of EU and Member States' commitments to reduce GHG emissions under the Kyoto Protocol.

The activities and substances regulated by the scheme are listed in Annexes I and II respectively, addressing emissions that are accurately measurable, reportable and verifiable. The possibility to expand the system is also foreseen in order to embrace other sectors, activities or substances not listed in the annexes. It is worth underlining the inclusion of aviation in this system since the beginning of 2012 (Directive 2008/101/EC). Member States also have the possibility to maintain or establish national trading schemes covering other economic sectors and installations temporarily excluded from the Community scheme. They can also participate in or link with compatible international systems, supporting the development of the international carbon market through the use of international credits.

Installations and aircraft operators covered by the scheme have an obligation to surrender annually a number of emissions allowances equal to their verified emissions from the previous year. Each installation is allocated emissions allowances free of charge or buys them on the market, and can flexibly trade them with other installations as needed. Installations may also use international credits from international emissions reduction projects

(Joint Implementation and the Clean Development Mechanism) to fulfil their obligations to surrender allowances. Since the beginning of 2013 (third phase), emissions allowances have been allocated via auction in a progressively increasing proportion to the detriment of free allowances. Surplus allowances that remain on the account of the installation or aircraft operator after surrendering a sufficient number of allowances can be used by the installation to address its future needs or can be sold to another installation. The EU ETS is now in its third phase (2013–2020).

Basic principles, essential tools and implementing measures

Principles

- The EU ETS is based on the “cap and trade” principle. The cap corresponds to the limited Community-wide quantity of allowances imposed on the total amount of GHG emissions. There are two separate caps, one applying to emissions from the stationary power sector and industrial installations and the other to aviation activities.
- Fair and immediate access to any information, decisions and reports related to the quantity and allocation of allowances as well as the monitoring, reporting and verification of emissions must be ensured, with the exception of information protected by professional secrecy.
- Effective, proportionate and dissuasive penalties must be established for contraventions of national rules implementing this directive (excess emissions penalties, operating bans on aircraft operators etc.).
- This directive will adjust to obligations arising from a new international agreement on climate change.

Tools

- There is a limited Community-wide quantity of allowances fixed for each year, and auctioning has been established as the basic principle for allocating them. The revenues generated in this way must be used (at least in part) to address climate change in the EU and third countries. Allowances that are free of charge have to be allocated effectively on the basis of Community-wide ex-ante benchmarks, especially to district heating and high-efficiency





cogeneration as well as to energy-intensive sectors and subsectors exposed to significant risk of carbon leakage. These benchmarks are calculated per final product, taking into consideration the average performance of the top 10 percent of the most efficient installations in a Community sector/subsector in the period 2007–2008 and in consultation with stakeholders. Free allowances cannot be assigned to electricity production, installations for capturing CO₂, pipelines transporting CO₂, or CO₂ storage stations. Allowances can be transitionally allocated for free only to installations that started producing electricity by December 31, 2008, or that benefit from an investment process initiated by that date. Transitional free allocations are deducted from the amount of allowances auctioned by the relevant Member State. Special reserves of free allowances are foreseen for new entrants. Allowances can be traded between persons within the Community, as well as between persons within the Community and in third countries (linking the EU ETS with other emissions trading systems). The emissions market must be effectively protected from manipulation and other distortions. Appropriate measures shall also be taken in case of excessive fluctuations in the price of allowances.

- Operators are allowed to use international credits such as certified emissions reductions (CERs) and emission reduction units (ERUs). The intended use of these credits has to be specified together with the operators able to use them and the allocation share for each installation. When issuing CERs and ERUs for Joint Implementation (JI), the Clean Development Mechanism (CDM) or other project activities, double counting must be avoided. Between 2008 and 2020, all existing operators are allowed to use credits either up to the quantity granted to them in the 2008–2012 period, or to a maximum of 11 percent of their allocation in the same period, whichever is higher. They may exceed this 11 percent up to the sum of their free allocation and their total project credits entitlement. New entrants and new sectors may use credits up to a maximum of 4.5 percent of their verified emissions during the period 2013 to 2020. New aircraft operators may use credits up to a maximum of 1.5 percent of their verified emissions in the period 2013–2020. The total quantity of credits allowed shall not surpass 50 percent of the Community-wide reduction below the 2005 levels for existing sectors in 2008–2020, and 50 percent of the Community-wide reduction below

the 2005 levels for new sectors and aviation from the date of their inclusion in the EU ETS to 2020.

- A Union registry must be established to record the accounts opened in each Member State as well as the allocation, surrender and cancellation of allowances. This registry is administered by a central administrator and is publicly accessible, and each account corresponds to a different person.

Measures

- Each year, Member States must present a list of aircraft operators and a list of installations covered by this directive. They also have the possibility to unilaterally extend the emissions trading scheme to activities or GHGs not included in Annex I, with the approval of the EC. If such inclusion is not possible, they may issue allowances or credits connected to single projects aimed at reducing GHGs not covered by the existing scheme. The administering Member State in respect of an aircraft operator is, in the case of an aircraft operator with a valid operating licence, the Member State that granted the operating licence; or in all other cases the Member State with the greatest estimated attributed aviation emissions from flights performed by that aircraft operator in the base year.
- Member States are responsible for auctioning allowances in their territory, including those unallocated in the special reserve. Member States must ensure that operators monitor and report their emissions and activities in a continuous, detailed and effective way. They must also provide the EC with annual reports on the application of this directive.
- On the basis of national reports, the EC publishes a comprehensive report and boosts information sharing between national competent authorities.

Institutional scheme/ad hoc body

- Any aircraft or industrial operator covered by this directive must be granted a GHG emissions permit. Operators are obliged to surrender a number of allowances each year to cover its emissions during the preceding year. The amount of allowances to be surrendered is equal to those excess emissions when surrendering allowances in relation to the following calendar year. Allowances may also be cancelled at any time by the relevant Member State upon the request of the person holding them. Operators must submit annual reports that must be verified by the relevant Member States, which inform the competent authorities. An oper-





ator presenting an emissions report verified as non-satisfactory by March 31 of the given year may not trade any allowances until it submits a report that is verified as satisfactory.

- The national authority competent for the implementation of this directive is designated by each Member State. Where more than one authority is foreseen, the work of the designated authorities must be coordinated, and coordination must also be ensured between their designated focal points for approving project activities in the framework of the UNFCCC and the Kyoto Protocol. Among other things, they are responsible for granting emissions permits; assigning allowances (valid from 2013 onwards) in exchange for unused CERs and ERUs; and cancelling allowances that are no longer valid and that have not been surrendered within four months. Such allowances will be replaced by new ones.
- The central administrator (nominated by the EC) records any transaction of allowances and performs an automatic check to identify potential irregularities and consequently inform the Member State(s) concerned.
- Eurocontrol or other organisations may assist the EC in the performance of its functions when appropriate.

Numerical/quantitative targets and other requirements

The framework designed by this directive allows the Community to pursue a stricter reduction commitment, exceeding 20 percent, upon the approval of an international climate change agreement, confirming the 30 percent commitment endorsed by the European Council in March 2007.

Aviation

- From 2013 (for each period), the cap on allowances to be allocated to aircraft operators shall correspond to 95 percent of historical aviation emissions multiplied by the number of years in the period. Of these allowances, 15 percent shall be auctioned, while 3 percent shall be stockpiled in a special reserve for new or fast-growing aircraft operators.
- In each period, a Member State will auction a number of allowances proportional to its share of aviation emissions calculated for all Member States in the reference year. Allowances free of charge will be allocated according to benchmarks calculated by dividing the total amount of free allowances for

that period by the sum of verified tonne-kilometre data for aviation activities performed in the monitoring period.

Stationary installations

- From 2013 onwards, the Community-wide GHG emissions cap will linearly decrease by an annual factor of 1.74 percent, compared to the average total quantity of allowances issued annually in the period 2008–2012. This factor shall be reviewed from 2020.
- 80 percent of all allowances will be allocated for free in 2013, and this percentage will proportionally decrease each year to 30 percent in 2020. No free allocations are foreseen for 2027. However, installations in sectors or subsectors exposed to high risk of carbon leakage will receive all allowances for free up to 2020.
- From 2013 to 2020, 5 percent of the total quantity of allowances shall be accumulated in a reserve for new entrants.
- The total quantity of allowances to be auctioned by each Member State shall be composed as follows: a) 88 percent of the total Community allowances are distributed among Member States according to their share of verified emissions under the EU ETS for 2005 or the average for 2005–2007 (whichever is higher); b) 10 percent are allocated for pursuing solidarity and growth within the Community and the share of each Member State is established in Annex IIa; and c) the remaining 2 percent is distributed among Member States that undertook early efforts to achieve the 20 percent reduction target (Annex IIb).
- In 2013, transitional free allocations could not exceed 70 percent of the annual average verified emissions in 2005–2007 from those electricity generators taken into consideration. This percentage shall be gradually reduced and shall correspond to zero (no free allocation) in 2020.

Deadlines

- Member States were obliged to transpose this directive into national law by December 31, 2003. Candidate countries have to adopt and internalise this directive during their accession period/before becoming members.
- The validity of emission allowances issued from January 1, 2013, onwards covers a period of eight years (2013–2020).
- Up to March 31, 2015, competent authorities shall assign allowances in exchange for CERs and ERUs





issued for emissions reductions through eligible projects and not used up, to those operators or aircraft operators requesting them. Unused entitlements from 2008–2012 are transferred to Phase 3 (2013–2020).

- From January 1, 2013, actions limiting the use of credits from specific project categories may be established.
- The review of the functioning of this directive in relation to aviation activities must be completed by December 1, 2014.

Aviation

- By February 28 of each year, the competent authority of the administering Member State will specify allowances allocated to each aircraft operator.
- By April 30 of each year, each aircraft operator must surrender the quantity of allowances corresponding to its emissions in the preceding calendar year. The surrendered allowances must be cancelled.

By February 1, 2009, the Commission must publish a list of aircraft operators functioning from or after January 1, 2006. By February 1 each year, this list must be updated to include new operators.

Stationary installations

- At least every five years, competent authorities shall review GHG emissions permits and amend them appropriately.
- Electricity generators and network operators benefiting from transitional free allocations shall report every 12 months to the Member States concerned on the performance of their activities and investments.
- By February 28 of each year, the competent authorities shall announce the number of allowances to be allocated for that year.
- By April 30 of each year, the operator of every installation must surrender the quantity of allowances corresponding to the emissions from the installation in the preceding calendar year, except for emissions that are captured and transported for permanent storage in accordance with Directive 2009/31/EC. The surrendered allowances must be cancelled.

Link to the full text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2003L0087:20090625:en:PDF>

Commission Regulation (EU) No. 550/2011 of 7 June 2011 — Restrictions applicable to the use of international credits from projects involving industrial gases

General description

In the framework of the global battle against climate change and in pursuing the targets set in the relevant international agreements, well-functioning carbon markets and related offsetting mechanisms such as Joint Implementation (JI) and the Clean Development Mechanism (CDM) play a pivotal role. In addition to promoting cost-efficient global abatement, it is vital to develop mitigation actions, especially in developing countries. This regulation focuses on limiting the use of international credits from industrial gas projects using trifluoromethane (HFC 23) and nitrous oxide (N₂O) from adipic acid production in order to balance the geographical distribution of the benefits arising from JI and the CDM.

Subject matter and main goal

This regulation aims to restrict the use of international credits from industrial gas projects in order to limit environmental consequences, avoid distur-

tions of economic incentives and competition, and prevent GHG emissions leakages.

Basic principles, essential tools and implementing measures

It is prohibited to use international credits from projects requiring the destruction of industrial gases (namely HFC 23 and N₂O) from January 1, 2013, onwards.

Numerical/quantitative targets and other requirements

The measures provided in this regulation are aimed at maintaining global warming below 2°C.

Deadlines

The measures established in this regulation apply from January 1, 2013.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:149:0001:0003:EN:PDF>

Decision 2005/381/EC as regards the questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council

Amended by

Commission Decision 2006/803/EC

General description

Subject matter and main goal

This decision aims to gather detailed national reports on the measures implementing Directive 2003/87/EC and other relevant legislative acts connected to it.

Basic principles, essential tools and implementing measures

Each Member State will report on the implementa-

tion of Directive 2003/87/EC based on the questionnaire included in the annex.

Deadlines

By June 30 each year, Member States must report in relation to the preceding calendar year (from January 1 to December 31).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2005D0381:20061125:EN:PDF>

1.3 REGISTRY



Commission Regulation (EU) No. 389/2013 establishing a Union Registry

Repealing

- Commission Regulation (EU) No. 920/2010
- Commission Regulation (EU) No. 1193/2011

General description

In order to ensure a detailed and accurate accounting of transactions under the EU ETS, a system of national standardised and secured electronic databases (registries) was originally established. This system was subsequently replaced by a single, centralised online database managed by the EC and covering all 31 countries participating in the EU ETS. The Union Registry holds accounts for stationary installations (transferred from national registries) and for aircraft operators (included in the EU scheme since January 2012). This regulation applies to the trading period starting from January 1, 2013, and subsequent periods.

Subject matter and main goal

This regulation deals with the creation, operation and maintenance of a Union Registry based on the use of the European Union Transaction Log (EUTL), and with the communication system between this registry and the International Transaction Log (ITL). Member States shall accurately record allowances, annual emission allocation units (AEAs) and credit entitlements in the Union Registry. National registries and the Union Registry allow Member States and the EU to comply with their obligations as parties to the Kyoto Protocol and ensure the precise accounting of Kyoto units. These registries comprise standardised electronic databases that respect the requirements of the UNFCCC regarding data exchange standards.

Basic principles, essential tools and implementing measures

Principles

- The establishment of communication links between:
 - registries (the Union Registry and Kyoto Protocol registries) and the ITL for communicating transactions with Kyoto units;
 - the EUTL and the ITL to record and check transfers of Kyoto units;
 - the Union Registry and the EUTL for checking and recording transactions with allowances, AEAs or

portions of credit entitlements; and

- the EUTL and the registry of a third country (that has signed an accession treaty to the EU) to allow such a registry to communicate with the ITL through the EUTL and to record the verified emissions data of operators in the EUTL.
- General and aviation allowances can be surrendered only once, either by transferring a quantity of compliance allowances (created for the same period) from the relevant holding account to the Union allowance deletion account, or by recording the number and type of transferred allowances as surrendered for the emissions of the relevant installation or aircraft operator in the current period.
- Security requirements and authentication procedures are foreseen for both the Union Registry and for Kyoto Protocol registries. Interruptions to the operation of the Union Registry should be minimised through a robust system and procedures protecting all information.
- Information and personal data must be processed in a transparent and organised manner, according to specific criteria and respecting the principle of confidentiality.

Tools

- The EUTL records any transaction of allowances in the Union Registry and all information relating to Kyoto units.
- Allowances and Kyoto units are fungible and dematerialised instruments that are tradable on the market. Each allowance is assigned a unique unit identification code in the Union Registry. Any purchaser or holder of allowances/Kyoto units acting in good faith shall acquire the connected title free of any defects belonging to the transferor. Allowances may be deleted and Kyoto units cancelled at the request of the account holder. Once deleted, allowances cannot be recorded as surrendered for any emission.
- Kyoto Protocol registries and the Union Registry contain account types that can hold specific unit types (Annex I). Accounts fall under the laws and jurisdiction of the Member State of the administrator, and the corresponding units must be considered to be located in that state's territory. Generally, the Member State responsible for an account should not change. The status of





an account may be open, blocked, excluded or closed. No process may be initiated from blocked, excluded or closed accounts (with specific exceptions). Excluded operators holding accounts and excluded aircraft operators holding accounts may not receive any free allocation of general allowances until they have been set to 'open' status. Closed accounts cannot be re-opened or acquire units. Accounts are blocked if the annual verified emissions of an installation or aircraft operator for the previous year have not been recorded in the Union Registry by April 1 each year. To open any type of account the prospective account holder must submit a request to the national administrator, including relevant information. The opening of an account, or notification of refusal to open an account, must take place within 20 working days of receiving all the relevant information. In the case of refusal to open an account, the applicant may object to the relevant authority under national law, who will uphold the refusal or give instructions for account opening in a reasoned decision. The administrator must close an account within 10 working days of receiving the request from the account holder. In the case of a positive balance of allowances or Kyoto units on an account that is going to be closed, the account holder should specify (within 40 working days) to which account such allowances and units should be transferred, otherwise the administrator will transfer them to its national holding account. If access to an account has been suspended, any positive balance may be transferred to the relevant national account at the request of the competent authority. An account holder may only sell or divest of its operator holding account together with the installation linked to the operator holding account.

- Transaction processes must conform to general IT requirements as well as to specific process-related standards in order to be automatically checked, recorded and completed by the Union Registry, Kyoto Protocol registries and the EUTL. In the case of discrepancies identified in transactions completed through the EUTL or the ITL, relevant processes must be terminated and information sent to the Union Registry and the administrator regarding the accounts involved by an automated check response code. A transaction or process is finalised when the ITL notifies the completion to the EUTL, or the EUTL notifies the completion to the Union Registry depending on the transaction/process considered.

- Data reconciliation is a periodic process aimed at verifying that the EUTL's records of accounts, holdings of Kyoto units and allowances perfectly match the records in the Union Registry. In the case of inconsistency, any process that has an account, allowance or Kyoto units linked to it must be suspended. This procedure is finalised once all inconsistencies between the information recorded in the EUTL and in the Union Registry for a specific period have been resolved.
- A trusted account list can be created in the Union Registry for auction delivery accounts, holding accounts and trading accounts. Accounts belonging to the same account holder will be automatically registered in the trusted account list. Any change to this list must respect the ad hoc procedure with a delay of seven days (except for deletion) and must be confirmed by the (additional) authorised representatives.
- AEAs are used to meet national GHG emissions limitation requirements. At the beginning of the compliance period, the central administrator creates an amount of AEAs in the EU AEAs Total Quantity Account (giving a unique unity identification code to each AEA) corresponding to the sum of all national emissions allocations for all the years of the period, and then transfers a number of AEAs equivalent to the annual emissions allocation for each Member State for each year to the relevant Effort Sharing Decision (ESD) Compliance Account. Successive adjustments must be appropriately recorded and implemented. Once relevant data are available, the total quantity of GHG emissions (expressed in tonnes of carbon dioxide equivalent) for each Member State must be entered in its ESD Compliance Account for a given year in order to calculate its current balance and its compliance status figure. Simultaneously, the sum of the GHG emissions data for all Member States for a given year must be recorded in the EU AEAs Total Quantity Account, and the balance and compliance status figure for each ESD Compliance Account must be registered in the Union Registry. If the compliance status figure is negative, the excess quantity of GHG emissions, expressed in tonnes of carbon dioxide equivalent and multiplied by the abatement factor, must be transferred from the Member State's ESD Compliance Account for the given year to the same type of account for the following year, and its ESD Compliance Account for the remaining years of the period under consideration must be blocked until the compliance





status figure shows compliance. At the request of a Member State, AEs can be carried forward (transferred from its ESD Compliance Account for the given year to the same type of account for the following year), carried over (transferred from its ESD Compliance Account for the given year to the same type of account for any of the following years) or transferred (from its ESD Compliance Account to the same type of account of another Member State) for up to 5 percent of national AEs. Up to 3 percent of the credit entitlement of a Member State may also be transferred from its ESD Compliance Account to the ESD Compliance Account of another Member State. International credits, temporary CERs (tCERs) and long-term CERs (ICERs) can be used and transferred in a Member State's ESD Compliance Account upon request and replaced using Kyoto units.

Measures

- This regulation establishes which transactions may be initiated by each account type. Any transaction (except for transactions initiated by an external trading platform) needs an out-of-band confirmation by the (additional) authorised representative. If this representative suspects that a transfer has been initiated fraudulently, they can require the relevant administration to cancel it before its finalisation, reporting it to the competent national law enforcement authority and, within seven days, to the national/central administrator. Allowances and Kyoto units can be transferred at the request of operators/aircraft operators/account holders to any other account in the trusted list, subject to the status of the accounts involved in the trade. Transfers initiated from a trading account towards a holding or trading account are only subject to the status of the initiating account. The same provisions apply to transactions from Kyoto Protocol registries (Article 73) and transfers of AEs. Once finalised, transactions become final and irrevocable, except for those initiated erroneously or unintentionally, which may be subject to reversal. Account holders and third parties should be able to exercise any right or claim resulting from a finalised transaction, provided that this does not lead to the reversal, revocation or unwinding of the transaction in the Union Registry.
- The relevant Member State is responsible for communicating changes to the national allocation table, as well as to the national aviation allocation table, to the EC, which will either require the cen-

tral administrator to enter such changes in the EUTL, or reject them, informing the Member State and specifying the criteria to be satisfied for a subsequent notification to be accepted. If the national allocation table has been rejected, the Member State must submit a revised version to the EC within three months.

- Member States must communicate their international credit entitlement tables — specifying the total initial entitlement for 2008–2020 for each operator and aircraft operator and relevant information (Annex XII) — and give notification of any subsequent change, including entitlements to new entrants. International credit entitlement tables (as well as subsequent changes) are entered into the EUTL if compliant with EU law. They are otherwise rejected with reasons and criteria for their revision. International credits can be exchanged for general or aviation allowances through a transfer from the relevant operator/aircraft operator holding account to the EU International Credit Account. Remaining international credit entitlements for each operator or aircraft operator are automatically calculated by subtracting the sum of CERs and ERUs surrendered plus the sum of these credits transferred to the EU International Credit Account.

Institutional schemes/ad hoc bodies

The central administrator is responsible for:

- managing and maintaining the Union Registry, including from a technical point of view, ensuring that it respects all kinds of requirements for data exchange standards under relevant provisions and providing for its functioning as a Kyoto Protocol registry for the EU;
- operating the EUTL, ensuring that it respects all kinds of requirements and checks and reports all relevant processes in an appropriate way;
- establishing communication links between registries and transaction logs;
- notifying to account representatives and national administrators the initiation, completion or termination of any process and change related to the account;
- opening all relevant accounts within 20 working days of receiving relevant information (Annex III);
- updating the national administrator of an aircraft operator holding account if the administering Member State of an aircraft operator changes;
- creating or cancelling accounts and allowances as





- necessary under EU law;
- providing national administrators with a list of the ETS accounts holding international credits that may not be used as of January 1, 2013;
 - entering the national allocation tables and national aviation allocation tables into the EUTL if compliant with EU law upon instruction by the EC (otherwise the EC rejects the tables with a reasoned justification communicated to the Member States concerned and aimed at guiding their revision);
 - allowing operators to return excess allowances to the EU Allocation Account in case of changes or over-allocation;
 - creating conditions to ensure links with other GHG emissions trading systems;
 - suspending access to allowances or Kyoto units in the Union Registry or the EUTL (for a maximum period of four weeks) in case of a suspected fraudulent transaction or other serious crime;
 - temporarily suspending the initiation or acceptance of some or all processes for the scheduled or emergency maintenance of the Union Registry, as well as the acceptance by the EUTL of some or all processes in the Union Registry, if not appropriately maintained and operated, and providing notification of this situation to the national administrators concerned;
 - transferring general allowances on behalf of the relevant auctioneer from the EU Total Quantity Account into the EU Auction Account in the same amount as predetermined annual volumes, taking into consideration potential volume adjustments;
 - transferring from the EU Total Quantity Account into the EU Allocation Account a number of general allowances corresponding to the sum of the allowances allocated free of charge in each Member State;
 - transferring from the EU Total Quantity Account into the EU New Entrant Reserve Account a quantity of general allowances corresponding to 5 percent of the predetermined Union-wide amount of allowances. Any increase or decrease in the Union-wide quantity will be reflected in a proportional additional transfer or deletion of general allowances in the EU New Entrant Reserve Account;
 - transferring, on behalf of the relevant auctioneer, aviation allowances from the EU Aviation Total Quantity to the EU Aviation Auction Account in the same amount as predetermined annual volumes, as well as to the EU Special Reserve Account in the same quantity as the predetermined number of

aviation allowances in the special reserve, taking into consideration potential volume adjustments. Aviation allowances are also transferred from the EU Aviation Total Quantity to the EU Aviation Allocation Account in a quantity corresponding to the predetermined number of aviation allowances allocated free of charge. Any increase or decrease in the quantity of aviation allowances allocated free of charge must be reflected in the aforementioned transfer.

- It should not charge account holders any fees, since reasonable fees will be paid to national administrators.

The national administrator responsibilities:

- accesses and administers the accounts in the Union Registry under the jurisdiction of its Member State, as well as those in the Kyoto Protocol registry;
- acts as authorised representative of the ESD Compliance Accounts and national administrative platform account;
- can initiate transactions at the request of an authorised representative of any account if the latter cannot access the Union Registry for technical or other reasons;
- can close an account or remove an authorised representative on its own initiative;
- may suspend access to an account on reasonable grounds at the request of the competent authorities;
- makes relevant changes to the national allocation table and to the national aviation allocation table in the EUTL;
- indicates in the national allocation table if an installation receives free allocation for that year;
- indicates in the national aviation allocation table if an aircraft operator receives free allocation for that year and performs any other transfer deriving from changes to the national aviation allocation table;
- suspends access to allowances or Kyoto units in the part of the Union Registry it administers in the case of a suspected fraudulent transaction or other serious crime (for a maximum period of four weeks);
- cooperates with the competent authorities, especially the financial intelligence unit (FIU), to prevent operations connected to money laundering and terrorist financing; and
- respects data exchange and technical specifications for exchanging data between registries and transaction logs.





The account administrator:

operates the account on behalf of the Member State or the EU. The administrator is selected according to the account type (Annex I) and requires account holders and representatives to comply with the terms and conditions listed in Annex II. It can also suspend access by an (additional) authorised representative to any account or process based on reasonable grounds or at the request of the competent authorities, putting an end to the suspension as soon as the situation that gave rise to it is resolved.

Each auction platform has to provide the EC with two auction tables (one for general and another for aviation allowances, and in accordance with Annex XIII) for each year from 2012 and within one month of the determination and publication of the auction calendar, and must provide notification of subsequent necessary amendments. These tables and their subsequent revised versions will be accepted if compliant with EU law, or rejected with reasons and guidance for their revision. Auctioning involves the transferring of general/aviation allowances from the EU Auction Account or the EU Aviation Auction Account respectively to the relevant delivery account, as well as the transferring of allowances created in view of auctions from the account in which they were created to an account established for auction delivery. Both operations are initiated at the request of the auctioneer and follow the content recorded in the auction tables. These transfers may be blocked if notification of necessary amendments is not provided by the auction platform. Allowances that are not delivered must be returned to the EU Auction Account.

The Administrators' Working Group of the Climate Change Committee has a consultative role in relation to issues and procedures for the operation of registries as well as on the establishment of data exchange and technical specifications for national administrators.

Authorised representatives are natural persons over 18 years of age who perform actions on behalf of the account holder. There must be at least two representatives for any type of account except verifier accounts (which require only one representative). There may also be authorised representatives with "view only" access, and additional authorised representatives. A maximum number can be fixed for each account type. To enable access to their accounts through an external trading platform

account, account holders can nominate a person who is already an authorised representative of the aforementioned platform. These representatives must be nominated by the prospective account holder when requesting the opening of a new account. The national administration can approve or refuse their appointment within 20 working days (with 20 additional days if the evaluation process requires more time) and a refusal can be appealed. Once nominated, these representatives may not transfer their status to another person and may be removed from an account by the relevant administrator at the request of the account holder within 10 working days. Representatives can access their accounts in the Union Registry through credentials in the secure area of the registry website and must promptly provide notification of the loss, theft or compromise of their credentials and require their replacement. If there is a breach of security or a security risk, access to the Union Registry, the EUTL or any part thereof must be suspended.

Verifiers are selected by (aircraft) operators from the ad hoc list registered with the national administrator of their accounts. Upon their satisfactory verification and the approval of the annual emissions reports, emissions are marked as verified in the Union Registry.

National helpdesks provide support to account holders and representatives in the Union Registry, while the central helpdesk offers assistance to national administrators.

Deadlines

Account opening:

- From January 1, 2014, a national administrator may request the central administrator to open a national administrative platform account in the Union Registry.
- Within 20 working days of receiving relevant information supporting a request to open any type of account, the national administrator shall open the account or communicate a refusal to the prospective account holder.

Information changes:

- Changes to information submitted when opening an account must be communicated by account holders to the national administrator within 10 days. Account information must also be confirmed each year by December 31.





- A merger or split between two or more aircraft operators must be communicated to the national authority within 10 days.
- The national administrator must approve the updated information (or refuse, with the possibility of objection) within 15 working days. At least once every three years, the national administrator must review all the information submitted to open an account, as well as subsequent changes.

By March 31 each year, emissions data for the previous year must be entered (according to the format in Annex IX).

By May 1 each year, the Union Registry must indicate the compliance status figure for the preceding year for every installation and aircraft operator.

Allowance transfers:

- At the end of each trading period, the central administration shall transfer:
 - all allowances remaining on the EU Allocation Account and EU New Entrant Reserve Account to the EU Total Quantity Account;
 - all aviation allowances remaining on the EU Special Reserve Account to the EU Aviation Total Quantity Account; and

- all aviation allowances remaining on the EU Aviation Allocation Account to the Union Allowance Deletion Account.

- From February 1, 2013, general allowance transfers from the EU Allocation Account to relevant open or blocked operator holding accounts shall be automatically performed by the Union Registry in accordance with national allocation tables. From the same date, aviation allowances shall be automatically transferred from the EU Aviation Allocation Account to the relevant open or blocked aircraft operator holding account.

The EUTL shall automatically abort any transaction or process that cannot be completed within 24 hours of its communication.

Records relating to all processes, log data and account holders must be stored for five years after the closing of an account. Records of Kyoto Protocol processes, log data and holders of Kyoto Protocol accounts must be maintained for 15 years following the closing of the account or the completion of their implementation.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:122:0001:0059:EN:PDF>

1.4 AUCTIONING



Commission Regulation (EU) No. 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community

Amended by

- Commission Regulation (EU) No 1210/2011
- Commission Regulation (EU) No 784/2012
- Commission Regulation (EU) No 1042/2012

General description

In order to improve the EU ETS scheme and its functioning, auctioning has been established as the basic principle for allocation due to its predictability, economic efficiency and transparency. This process applies to both aviation and industry (manufacturing industry and electricity production) allowances that are not required to be issued free of charge. It embodies the polluter pays principle and uses a common auctioning infrastructure in order to avoid distortions of the internal market and an excessive administrative burden, as well as to provide open, transparent and non-discriminatory access to auctions.

Subject matter and main goal

This act deals with the timing, administration and other circumstances connected to the auctioning of both aviation and stationary installation allowances, and applies to trading periods from January 1, 2013, onwards.

Basic principles, essential tools and implementing measures

Principles

- Allowances must be sold in the form of two-day spot or five-day futures on an auction platform through standardised electronic contracts, defined as auctioned products, which do not have to be traded on the same platform if the allowances have been delivered within two trading days of auction.
- Confidential information must be protected and may not be disclosed or exchanged except in specific circumstances. Professional secrecy binds all persons working for the auction platform and for the auction monitor involved in auctions.

Tools

- Auctions may only be conducted on an auction platform authorised as a regulated market. Auctions

follow a specific format: a bidder presents its bid in a given bidding window without knowing the other offers and, if successful, pays the same auction clearing price for each allowance won, regardless of its bid. The payment must be concluded before, or at the latest upon, delivery of the allowances in the bidder's nominated holding account (or that of its successor in title). The sum is transferred by the auction platform through the clearing system(s) or settlement system(s) to the auctioneers auctioning the allowances in question. At the same time, allocated allowances are delivered to the successful bidders or their successors in title. If the clearing system/settlement system fails to deliver the allowances for reasons outside its control, it will deliver them at the earliest opportunity. In the case of late payment or non-payment, the successful bidder/its successors in title may incur penalties, and the central counterpart or settlement agency may realise the payment; otherwise the allowance will be auctioned again at the next two auctions scheduled on the relevant auction platform.

- Any individual auction calendar includes bidding windows, individual volumes, auction dates, auctioned products, and payment and delivery dates. Once determined and published it may not be modified, except for adjustments listed by the regulation itself.
- One lot is the minimum volume bid and is made up of integral multiples of 500 or 1,000 allowances. Each bid must include the identity of the bidder or its client, the volume bid and the price offered in euro. It may be submitted/modified/withdrawn only by the bidder's representative and during a given bidding window or by an investment firm or credit institution providing an investment service. Once submitted, a bid is binding except for genuine mistakes. Bids may be submitted only by eligible persons. Before the opening of the bidding window, bidders or their intermediaries must post collateral, and unused collateral must be returned as soon as practicable. On the other hand, the auctioneer is only required to give allowances as collateral to be held in escrow by the clearing system/settlement system acting as custodian until their





delivery. At the request of the auctioning Member State, unused collateral can be retained in a nominated holding account held in escrow by the clearing system/settlement system acting as custodian until their delivery.

- Conduct rules (Articles 58 and 59) are established for specific categories of persons authorised to bid on behalf of others by the competent national authorities. Such rules regulate their relationship with clients and the act of bidding on their own account or on behalf of their clients. These persons have to fulfil precise conditions and respect the conduct rules. Clients of bidders can present complaints relating to these persons' compliance to competent authorities. Costs relating to the auction process shall be borne mainly by bidders (through fees) and auctioning Member States.
- The auction clearing price is determined upon closure of the bidding window and corresponds to the price of the bid at which the sum of the volumes bid equals or exceeds the volume of auctioned allowances. Bids are sorted by price bid, and the volumes bid are added up starting with the highest offer. The auction may be cancelled if the total volume of bids sorted is smaller than the volume of auctioned allowances; if the auction clearing price is significantly lower than the price on the secondary market; or if breaches to the security or reliability of the IT system used for collecting bids and conducting the auction (might) disrupt its development. In these cases, the auctioned volume will be equally distributed over the next four scheduled auctions of stationary installation allowances or over the next two scheduled auctions of aviation allowances on the same auction platform.
- Extra-judicial mechanisms must be in place in order to address complaints from applicants for admission to bid, from bidders admitted to bid, or from bidders whose admission to bid has been refused/revoked/suspended.

Measures

- Following a competitive tendering procedure, Member States appoint a common auction platform through a joint action together with the EC to auction allowances. The identity and contact details of the platform must be published on the EC website. Member States joining at a later stage are subject to existing terms and conditions and already adopted decisions. Member States that do not participate but appoint their own platform may be given observer status.

- The market abuse regime includes a prohibition on the use of inside information (for multiple purposes applying to any person possessing it, see Articles 38, 39 and 40) and the prohibition of market manipulation. The auction platform, auctioneer and auction monitor adopt several measures (Article 42) to mitigate the risk of market manipulation. Where there is a reasonable suspicion that a transaction constitutes insider dealing or market manipulation, notification must be sent promptly to the competent national authority with supervision and enforcement powers. This regime is not applicable to financial instruments, except for the use of inside information to withdraw a bid.
- Any fee, deduction or condition applied by the auction platform must be clearly specified and itemised in the contract appointing it. Fees, deductions and conditions may not be less favourable than the comparable fees and conditions used in the secondary market.
- Notifications of money laundering, the financing of terrorism and criminal activities as well as market abuse must be made promptly by the appointed auction platform concerned, and counteracted. A maximum bid size and other remedial measures may also be adopted in order to mitigate the actual or potential risk of such violations.
- Notifications of errors in payments, allowance transfers, or collateral or deposits given must be made to the clearing system/settlement system as soon as acknowledged. These systems will take the necessary measures to rectify the errors. Otherwise, persons who fail to provide notification of errors that cannot be rectified and who benefit from them will be liable to compensate any damage caused.

Institutional scheme/ad hoc bodies

Each Member State must appoint an auctioneer (which may be the same for more than one Member State) in advance of commencing auctions in order to conclude and implement relevant arrangements with the auction platform and to auction allowances on its behalf according to agreed terms and conditions. Notification of the identity and contact details of the auctioneer must be sent to the EC and will be published on its website. If no auctioneer has been duly appointed, the allowances to be auctioned on behalf of a Member State must be retained from the auctions. The auctioneer's functions comprise auctioning the volume of allowances belonging to each





Member State appointing it; and receiving and disbursing the auction proceeds due to each Member State appointing it. When appointing an auctioneer, auction monitor and auction platform (Article 35), Member States must consider the fulfilment of specific requirements.

The auction platform must:

- allow non-discriminatory access to its auctions remotely through the Internet or dedicated connections to the electronic interface, ensuring also secure and reliable alternative means of access in case of the inaccessibility of the main means;
- provide a practical web-based training module on the auction process and a helpline;
- grant unconditional admission or conditional admission, or refuse to grant admission, to persons applying for admission to bid, as well as revoke or suspend granted admissions in specific circumstances (Articles 20 and 21). Notification of the refusal, revocation or suspension of admission (together with measures to ensure a smooth and rapid removal) must be provided to the persons concerned, who will be granted a reasonable period to respond in writing. After considering such response, the auction platform may grant or re-instate admission from a precise date; grant conditional admission or conditional reinstatement depending on the fulfilment of certain conditions by a given date; or confirm its refusal;
- manage the auction calendar, conduct the auctions and announce/notify their result;
- put in place the clearing system and settlement system connected to it;
- provide information on the conduct of the auctions as required by the auction monitor;
- observe the auction, give notification of suspicious circumstances and carry out related remedial measures/sanctions;
- provide technical support services to the EC;
- monitor relationships with admitted bidders; ensure that documents, data and information on them are always updated; and keep a record of relevant documents for as long as the bidders are admitted to its auction and for at least five years after terminating such a relationship; and
- maintain a dedicated up-to-date auctioning website on which to publish (and then archive) all relevant documents, information and data on the auction processes and the subjects participating in them.

The auction platform appointed to conduct auctions in the secondary market (Article 28) also has the above functions.

The volume of allowances auctioned on the appointed auction platform must be equally distributed over the auctions held in a given year, except for auctions held in August each year when the volumes shall be half those auctioned in other months. The appointed auction platform shall conduct auctions two days a week, and no other platform should conduct auctions at the same time. If the former conducts auctions on more than two days a week, it shall communicate on which two days no other auction can be held.

Member States not participating in joint actions can also opt to have their own auction platform (which may be the same or separate auction platforms) on which to sell their share of allowances. The platform must be selected according to EU and national procurement law. Such a platform is appointed for no longer than three years, and the appointment is renewable for no more than a further two years. The platform must be listed in Annex III, and has the same functions and respects the same provisions (Article 32) as those that apply to auction platforms appointed through the joint action. Member States must inform the EC of their selection and must submit a detailed notification that includes the identity of the auction platform, the operating rules governing the auction process as well as the rules for surveying and supervising the auctions, the proposed auction calendar and other relevant information. In the absence of any listing, these Member States must use the auction platforms appointed through the joint action. They can also decide to participate in the joint action in order to be able to use the common auction platform(s), or can participate in the joint action at a later stage.

Member States appoint an auction monitor through a joint procurement procedure between them and the EC to oversee all auction processes and properly report on them. In addition, it issues annual consolidated reports; is obliged to report on specific issues of any auction process upon request; provides technical reports on other auction platforms (Article 25.4); reports on (suspected) violations or instances of non-conformity of the auction process and sends notification to the EC, Member States and the auction platform concerned; and gives opinions on auction methodology and auction time changes.





Non-confidential versions of its reports must be published (and subsequently archived) on the EC's website. Its identity and contact details must be published on the EC's website. Member States joining at a later stage are subject to existing terms and conditions and already adopted decisions. Auctioneers, auction platforms and competent national authorities must cooperate with the auction monitor and assist it in fulfilling its functions. If no auction monitor has been duly appointed, or if contractual arrangements have not been concluded, the allowances to be auctioned on behalf of the relevant Member State must be retained from the auctions. If the auction monitor is prevented from performing its tasks by force majeure, the auction platform may proceed with the auction subject to the adoption of appropriate monitoring measures.

Article 18 lists the persons eligible to apply for admission to bid directly in the auctions or to participate in secondary markets. All these subjects must satisfy detailed requirements (Article 19) and must apply for admission via an Internet-based electronic procedure, providing relevant information (that is not false or misleading) and supporting documents (Annex II), and presenting notification of any changes clearly and promptly. Applications and relevant documents must be made available for inspection by the competent authorities. The application should be considered as being withdrawn if the applicant is unable to provide the requested information within five working days of a request. If admission is revoked or suspended, the person concerned must cooperate in order to ensure a smooth, rapid and not prejudicial removal.

Competent national authorities must be designated by Member States in order to perform the multiple tasks entrusted to them by this regulation.

Numerical/quantitative targets and other requirements

The volume of stationary installation allowances to be auctioned in 2013 and 2014 corresponds to the total volume determined for the relevant calendar year, less the allocation free of charge and half of the total volume of allowances auctioned in 2011 and 2012. If necessary, transitional free allocations and other relevant changes shall be taken into account (Article 10).

The volume of stationary installation allowances to be auctioned each calendar year from 2015 onwards corresponds to the total determined volume for the relevant calendar year, less the allocation free of charge. If necessary, transitional free allocations and other relevant changes shall be taken into account (Article 10).

The volume of stationary installation allowances to be auctioned in the final year of each trading period shall be determined taking into consideration installations that have ceased to operate, adaptations of the level of free allocation and allowances remaining in the reserve for new entrants. If necessary, transitional free allocations and other relevant changes shall be taken into account (Article 10).

For any given calendar year, each Member State shall auction its share of stationary installation allowances, less the transitional free allocation made by that Member State in the relevant calendar year and allowances auctioned for new activities and gases.

The volume of aviation allowances to be auctioned each calendar year from 2013 onwards corresponds to the volume predetermined by the EC evenly shared over the number of years in the period. In the final year of each period, remaining allowances from the special reserve shall be considered as well.

For each calendar year in a given period, each Member State shall auction its predetermined share of aviation allowances for that trading period divided by the number of years in the relevant period.

For auction platforms other than those appointed through the joint action, the volume of stationary installation allowances auctioned in individual auctions must be no greater than 20 million allowances and no lower than 3.5 million allowances. If the total volume of allowances to be auctioned by the appointing Member State is lower than 3.5 million in a given calendar year, the allowances will be auctioned in a single auction per calendar year. The volume of aviation allowances must be no greater than 5 million allowances and no lower than 2.5 million allowances. If the total volume of allowances is lower than 2.5 million in a given calendar year, the allowances must be auctioned in a single auction per calendar year. The total volume of allow-





ances auctioned on those auction platforms must be equally distributed over the auctions held in a given year, except for auctions held in August each year when volumes shall be half those auctioned in other months.

Deadlines

By December 31, 2014, this regulation must be reviewed and any measure for improvement must enter into force by December 31, 2016.

By February 28 each year, or as soon as possible thereafter, the appointed auction platform shall establish and publish the calendar for individual auctions of stationary installation allowances for the following year, subject to the EC's opinion.

By February 28 each year, or as soon as possible thereafter, the appointed auction platform shall establish and publish the calendar for individual

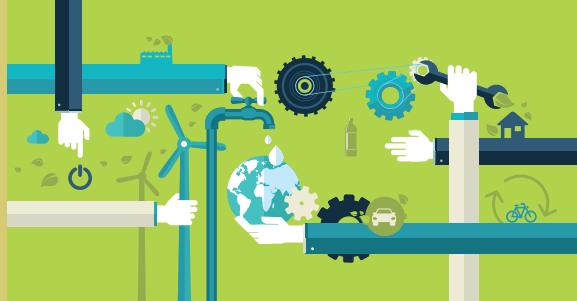
auctions of aviation allowances for the following year, subject to the EC's opinion. The calendar for the final year of each trading period should also take into consideration remaining allowances in the special reserve.

The auction platform is appointed for no longer than five years and must be connected to a clearing system or settlement system at least 20 trading days before opening the first bidding window.

The auction monitor is appointed for no longer than five years, and three months before the expiry/termination of the appointment a successor shall be nominated.

Link to the original text of the legislative act
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2010R1031:20121110:EN:PDF>

1.5 FREE ALLOCATION



Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances

Amended by

- Commission Decision 2011/745/EU
- Commission Decision 2012/498/EU

General description

Although emission allowances will be allocated primarily through auctioning, between 2013 and 2020 the manufacturing industry will receive a share of allowances free of charge. Free allocation will decrease proportionally each year and is guided by benchmarks for GHG emissions performance that reward best practice in low-emission production and reflect Community efforts to move towards a low-carbon economy.

Subject matter and main goal

Without prejudice to the framework established by Directive 2003/87/EC, this decision provides a harmonised and transitional Union-wide framework for the free allocation of stationary installation emission allowances from 2013 to 2020.

Basic principles, essential tools and implementing measures

Principles

- Calculations related to the number of allowances must be rounded up to the nearest allowance.

Tools

- Each Member State must submit to the EC a national list identifying eligible installations (as well as excluded heat-producing electricity generators and small installations), using an electronic template and including all relevant information, in particular the related preliminary total annual amounts of emission allowances allocated for free.
- On the basis of these national lists and the preliminary total annual amounts of free allowances for 2013 to 2020, the EC will establish the uniform cross-sectoral correction factor. This list must be appropriately reviewed in accordance with changes to carbon leakage exposure (Article 16).

Measures

- Each Member State must determine which installations in its territory are eligible for free allocation (national list) and divide them into one or more sub-installations, taking into account whether the relevant process is used in a sector or sub-sector

exposed to the risk of carbon leakage. The sum of the inputs, outputs and emissions of all sub-installations should be no higher than the inputs, outputs and total emissions of the installation. They must also identify heat-producing electricity generators and small installations that can be excluded from the EU scheme.

- Relevant information and data (listed in Annex IV) must be collected from the operator in relation to each eligible installation for all years from January 1, 2005, to December 31, 2008 (or January 1, 2009, to December 31, 2010 if applicable) during which it has been operating. Data related to each sub-installation must be collected separately. The different categories of sub-installation are:
 - product benchmark sub-installation;
 - heat benchmark sub-installation;
 - fuel benchmark sub-installation; and
 - process emissions sub-installation.

Where only data for the installation as a whole are available, these must be proportionally assigned to the different sub-installations via several mechanisms. Operators must submit complete, consistent and accurate data, together with a methodology report, using specific electronic templates or file formats, avoiding overlaps between sub-installations and double counting. Any lack of data must be justified and substituted with conservative estimates, or calculations must be made using a proxy value in the case of heat flows.

- Data will be accepted by Member States once verified as satisfactory by an independent verifier through a verification process. Member States may not allocate free allowances to installations whose data have not been verified as satisfactory, unless the data gaps are due to unavoidable exceptional and unforeseeable circumstances.
- Member States must define the historical activity levels of existing installations for the baseline period 2005–2008 (or 2009–2010) on the basis of collected data, regardless of any significant capacity extension or reduction (Article 9).
- Member States must define the activity level of each stationary installation. The product-, heat-, fuel- and process-related activity levels refer to different parameters and reflect different values. In the case of installations experiencing consistent capacity extension or reduction, the competent



Member State will define the activity levels only for the added or reduced capacity of the relevant sub-installation.

- In the case of the cessation of operations of an installation, the relevant Member State will not issue free emission allowances to them as of the year following the cessation of operation. This does not apply to installations kept in reserve or on standby or operated according to a seasonal schedule.
- In the case of the partial cessation of the operation of an installation, its emission allowances will be adjusted as of the year following the year during which the partial cessation occurred.

Institutional scheme/ad hoc bodies

- Competent authority/ies must be established at national level to perform relevant tasks connected to the implementation of this decision.
- New entrants can apply for free allocations within one year following the start of normal operations of their installation/sub-installation and must submit all relevant information and data (Annex V), which will be accepted once verified as satisfactory. The competent Member State divides each installation into sub-installations. It also determines the quantity of free allowances to be allocated when fully operative on the basis of the initial installed capacity calculated by the operator using the continuous 90-day period that corresponds to the start of normal operations. Emission allowances from the new entrants reserve are assigned on a first come, first served basis. However, a queuing system for the fair management of the relevant reserve may be established after assigning half of the amount of allowances dedicated to new entrants. For new entrants, the preliminary annual number of emission allowances allocated for free for a given year is as follows:
 - for each product benchmark sub-installation, the number corresponds to the value of that product benchmark multiplied by the product-related activity level;
 - for each heat benchmark sub-installation, the number corresponds to the value of the heat benchmark for the measurable heat (as in Annex I) multiplied by the appropriate heat-related activity level;
 - for each fuel benchmark sub-installation, the number corresponds to the value of the fuel benchmark (as in Annex I) multiplied by the fuel-related activity level; and

- for each process emission sub-installation, the number corresponds to the process-related historical activity level multiplied by 0.97.

- All general principles and specificities applying to the case of existing installations are also valid for new entrants. Each Member State submits these preliminary total amounts to the EC and, if not rejected, they serve as the basis for calculating final annual amounts of emission allowances allocated for free to the installations of new entrants. A significant capacity extension or reduction of a new entrant will consequently influence the allocation of free allowances and determine a change in their amount.

Numerical/quantitative targets and other requirements

The preliminary annual number of emission allowances allocated for free for a given year is as follows:

- for each product benchmark sub-installation the number corresponds to the value of this product benchmark (Annex I) multiplied by the appropriate product-related historical activity level, taking into account the specificities of high-value chemicals (HVCs), vinyl chloride monomer (VCM), heat flows with other installations not included in the EU scheme, and the exchangeability of fuel and electricity;
- for each heat benchmark sub-installation the number corresponds to the value of the heat benchmark for measurable heat (Annex I) multiplied by the appropriate heat-related historical activity level for the consumption of measurable heat;
- for each fuel benchmark sub-installation the number corresponds to the value of the fuel benchmark (Annex I) multiplied by the fuel-related historical activity level for fuel consumption; and
- for each process emission sub-installation, the number corresponds to the process-related historical activity level multiplied by 0.97.

The sum of the preliminary annual numbers of all sub-installations constitutes the preliminary total annual amount of free allowances assigned to each installation. When determining such amounts for each installation, Member States must avoid double counting emissions (especially in the case of intermediate products) and must guarantee that allocation is not negative.

The final total amount of allowances allocated for free to each existing installation results from the preliminary total amount of free allowances multi-





plied by a cross-sectoral correction factor. This can be determined only after the acceptance by the EC of the installation's inscription in the national list. Each Member State then submits to the EC a list including all final total amounts of emission allowances allocated for free to incumbent installations in its territory for the 2013–2020 period.

In the case of measurable heat exported to private households, when the preliminary annual number of free allowances for a heat benchmark sub-installation (determined as above) is lower than a certain percentage (90 percent for 2014, and decreasing by 10 percent for each subsequent year) of the medial annual historical emissions related to the production of measurable heat exported to private households by that sub-installation in 2005–2008, it shall be adjusted (Article 10.3).

The factors ensuring the transitional system leading to a decrease in free allocations (Annex VI) can be applied to the preliminary annual number of free emissions allowances related to each sub-installation operating in sectors/sub-sectors that are not exposed to a significant risk of carbon leakage. Conversely, where this risk exists, the factor to be applied in 2014 and for the period 2015–2020 is 1.

If 95 percent of the historical activity level of the heat/fuel benchmark or process emission sub-installation is deemed to be exposed to a significant risk of carbon leakage, the sub-installation as a whole is deemed to be exposed to this risk. If 95 percent of the historical activity level is NOT deemed to be exposed to a significant risk of carbon leakage, the sub-installation as a whole is NOT deemed to be exposed to this risk.

Operators may be exempt from providing data allowing for the distinction in terms of carbon leakage exposure if 95 percent of the inputs, outputs and emissions of the heat benchmark sub-installation, of the fuel benchmark sub-installation or of the process emissions sub-installation serve sectors or sub-sectors deemed or not deemed to be exposed to a significant risk of carbon leakage.

The initial installed capacity of each product benchmark sub-installation shall be the average of the two highest monthly production volumes in the period 2005–2008; otherwise it should be determined through an experimental verification. In case of significant capacity change, the added or reduced capacity must also be communicated.

In the case of the partial cessation of the operation of an installation:

- if the activity level of a sub-installation is reduced by between 50 and 75 percent compared to the initial level it should only receive half of the initially allocated allowances;
- if the activity level is reduced by between 75 and 90 percent compared to the initial level it should only receive 25 percent of the initially allocated allowances;
- if the activity level is reduced by 90 percent or more compared to the initial level, it should not receive free allowances at all;
- if the activity level of a sub-installation that contributes at least 30 percent of the installation's final quantity of free emission allowances expands more than 50 percent compared to the initial level, the installation shall receive the allowances initially assigned to it as of the calendar year during which the activity level surpassed the aforementioned threshold; and
- if the activity level of a sub-installation that contributes at least 30 percent of the installation's final quantity of free emission allowances expands more than 25 percent compared to the initial level, the installation shall receive half of the allowances initially assigned to it as of the calendar year during which the activity level surpassed the aforementioned threshold.

Deadlines

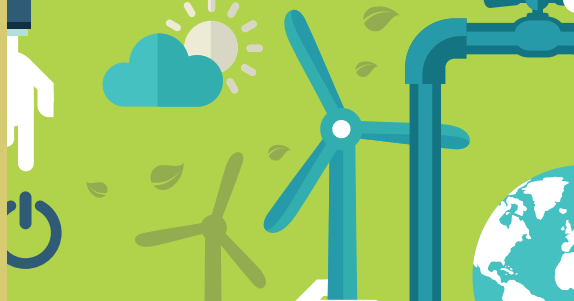
From 2013 onwards, all Member States must calculate the number of free allowances to assign annually to each existing installation on their territory. This calculation must be based on the preliminary annual number of free allowances assigned to each sub-installation.

By December 31 each year, any planned or effective changes to the capacity, activity level or operation of an installation must be submitted by the operator to the competent national authority. The relevant Member State must communicate changes affecting the allocation of free allowances to the EC and wait for its acceptance before proceeding with the determination of the final total amount of free emission allowances.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2011D0278:20120907:EN:PDF>

1.6 MONITORING, REPORTING, VERIFICATION AND ACCREDITATION



Commission Regulation (EU) 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers

General description

The effective monitoring, reporting and verification (MRV) of GHG emissions is essential in order to assess European performance in terms of emissions reductions and the achievement of related targets.

Subject matter and main goal

This regulation deals with the verification of GHG emissions and tonne-kilometre data from 2013 onwards. It establishes the legislative framework for the development of the verification process and the issuance of the verification report; the mutual recognition of verifiers; and peer evaluation of national accreditation bodies. It also contains specific rules for accreditation (the composition of national accreditation bodies, detailed activities and requirements) and for the supervision of verifiers, without prejudice to Regulation (EC) No. 765/2008, which lays down the general framework for accreditation and relevant criteria concerning verifiers.

Basic principles, essential tools and implementing measures

Principles

The verification process must be effective and solid, and must end with a reliable report.

Tools

The strategic analysis of all activities concerning an installation or aircraft operator is carried out at the beginning of the process to ascertain the nature, scale and complexity of the verification tasks. At the same time, the verifier considers whether the monitoring plan supplied is the most recent version approved by the competent authority and, in the case of modifications during the reporting period, whether the competent body has been informed of those modifications.

On the basis of the strategic analysis and other relevant information, the risk analysis determines and examines the inherent risks, control activities and control risks connected to the implementation of the latter. If the (aircraft) operator is found to be unable to identify the relevant inherent risks and control activities in its risk assessment, the verifier informs it of such a failure.

Building on relevant information, as well as on findings from the strategic and risk analyses, the verifier prepares a verification plan comprising a verification (activities) programme, a control activities test plan and a data sampling plan. The verification plan should be executed in a way that reduces the verification risk to an acceptable level and guarantees, with reasonable assurance, that the (aircraft) operator's report is free from material misstatements. In the case of additional or reduced risk, the risk analysis and the verification plan must be updated accordingly and the verification activities adapted as well (Article 14). Where simplified verifications are possible, the verifier prepares a simplified verification plan. The justification for using such a plan, as well as evidence that conditions for its use have been met, must be recorded in the internal verification document.

The verification process relates to multiple aspects and therefore encompasses different verification activities, in particular those described below:

- Analytical procedures aimed at evaluating the plausibility and completeness of an (aircraft) operator's data. In case of inconsistencies, fluctuations, gaps and outliers, the verifier asks for explanations and additional evidence from the relevant (aircraft) operator and determines the consequent impact on the verification plan and activities to be performed.
- Data verification performed through multiple testing techniques to check the data included in the (aircraft) operator's reports.
- Verification of the appropriate application and implementation of the monitoring methodology by operators of stationary installations (Article 17).
- Verification of methods applied for missing data in order to check the pertinence of the method used in relation to the specific circumstances and the accuracy of its application.
- Uncertainty assessment in order to confirm the validity of information used by the (aircraft) operator to prove compliance with the uncertainty levels established in the monitoring plan.
- Sampling methods specific to an installation or aircraft operator may be used if justified according to the risk assessment.





- Site visits. Simplified verification (Article 31) is possible for installations with low emissions or, based on the result of the risk analysis, where relevant data can be accessed remotely, subject to approval by the competent authority. For aircraft operators, simplified verification is possible if they are small emitters or, based on the result of the risk analysis, where relevant data can be accessed remotely, subject to approval by the competent authority, or where simplified tools are used to determine fuel consumption and generate reported data.

The verification report is based on all information collected during the verification. It has detailed contents and minutely describes misstatements and non-conformities (Article 27.4). It is addressed to the operator or aircraft operator for each emission report or tonne-kilometre report subject to verification. The verification report can therefore conclude that:

- the (aircraft) operator's report is satisfactory;
- the (aircraft) operator's report contains uncorrected material misstatements;
- the verification scope is too limited due to specific circumstances (Article 28) and the verifier was unable to collect sufficient evidence to issue an opinion;
- non-conformities prevent the verifier from concluding with reasonable assurance that the (aircraft) operator's report is free from material misstatements.

It is worth underlining some of the issues addressed in the verification report:

- Outstanding non-material non-conformities (indicated in the verification report related to the previous monitoring period and not corrected). The verifier evaluates whether this omission increases (or might increase) the risk of misstatements, records details in the internal verification documentation and reports on their resolution.
- Recommendations for improvement related to different aspects of the (aircraft) operator's performance. During subsequent verification, the verifier assesses whether the (aircraft) operator has implemented these recommendations, and how. If the recommendations have not been implemented, the verifier evaluates the consequent risk of misstatement and non-conformity.

Once the verification report has been obtained, the (aircraft) operator submits it, together with its related report, to the competent authority.

A database for accredited verifiers must be created and access granted to the relevant authority. The information contained in the database should be publicly available.

Measures

If non-conformity or misstatements are identified during the verification, the verifier promptly informs the (aircraft) operator and requests the correction of the document, marking it as resolved in the internal verification document. If the correction is not made before the verification report is issued, the (aircraft) operator must provide an explanation in order to evaluate its impact on the reported data, and the verifier may decide to perform additional verification activities.

Member States must mutually recognise accreditation certificates granted to verifiers by national accreditation authorities that have successfully undergone a peer evaluation. They must ensure the effective exchange of information and effective cooperation between their national accreditation bodies.

Institutional scheme/ad hoc bodies

The national accreditation body is responsible for the accreditation process and the monitoring of accredited verifiers (Article 44). It therefore keeps records of all persons involved in the accreditation process; makes relevant information publicly available; and updates the records on a regular basis, subject to confidentiality. It is entrusted with the operation of accreditation as a public authority activity and is granted formal recognition by the Member State. It must be fully independent from verifiers and impartial in the performance of accreditation activities, with a precise structure and unique responsibilities and tasks. It must take all final accreditation decisions but can sub-contract certain activities (Article 56.4). The national accreditation body receives complaints (Articles 67 and 72) relating to verifiers and makes decisions on them. A Member State that does not consider it economically justifiable or sustainable to establish its own national accreditation body may turn to the national accreditation body of another Member State, giving due information to the EC. Applications for accreditation as verifiers may be submitted by legal persons or other legal entities. Before proceeding with the assessment, the national accreditation body considers the complexity of the scope for which accreditation has been requested, the quality man-





agement system, the verification activities procedures and related information, and the geographical area of operation. The assessment is carried out by an assessment team in relation to multiple activities of the applicant and ends with the provision of a report to the applicant of the findings and non-conformities. The latter must respond to the report and outline what corrective actions are being taken or planned to address the non-conformities. If this response is found to be insufficient or ineffective by the national accreditation body during its review, further information/action/evidence of the implementation of corrective actions can be required. The national accreditation body can decide to grant/extend/renew an applicant's accreditation and issue an accreditation certificate to that effect. The national accreditation body can also decide to suspend/withdraw/reduce a verifier's accreditation in specific circumstances (Article 53). These decisions take effect upon the presentation of notification to the relevant verifier and are subject to appeal. The surveillance of each verifier is based on a specific plan and accreditation is confirmed on the basis of the findings of the surveillance. The verifier must be reassessed before its accreditation certificate expires on the basis of a reassessment plan. In addition, extraordinary assessments may be carried out at any time to check whether the verifiers respect all relevant requirements.

National accreditation bodies undergo regular peer evaluation, carried out by the European accreditation infrastructure, which communicates the findings to the relevant national and European authorities (Article 64). They are also monitored by Member States, and, if they fail to comply with their obligations, are subject to corrective actions.

A verifier must be independent, impartial and objective (Annex II) and must perform its duty in the public interest. A verifier may only issue a verification report to an (aircraft) operator performing activities covered by the scope of the activity identified in Annex I for which it has been granted accreditation:

- A verifier may not perform any verification activity for an (aircraft) operator that poses an unacceptable risk to its impartiality or that creates a conflict of interest; nor may it use personnel or contracted persons involving an actual or potential conflict of interest. It must ensure that the activities of its personnel or organisations do not affect the confidentiality, objectivity, independence and impartiality of the verification.

- The verifier must decide on procedures for verification activities and other relevant processes (Annex II) and must create a connected quality management system for the consistent development, improvement and review of its procedures and processes (Article 40).
- The verifier must carry out verification activities with professional scepticism, ascertaining before accepting any engagement whether it can obtain a proper understanding of the (aircraft) operator and perform a reliable verification, considering also the competence of the verification team — which is under a continued competence process performed according to general and specific competence criteria (Article 35).
- The verifier determines the amount of time (specified in the verification contract and then properly documented in the internal verification documentation) required to perform the engagement and may ask for additional time to be allocated if needed to develop a strategic analysis or risk analysis, or for other verification activities.
- During the verification process, the verifier assesses whether the (aircraft) operator's report is complete and complies with the requirements of the GHG emissions permit and duly approved monitoring plan, and whether the data contained in it are free from material misstatements. On this basis it provides a reliable verification report containing relevant findings (Article 24), including any areas of non-compliance with Regulation (EU) No. 610/2012 and taking into account significant modifications to the monitoring plan. The (aircraft) operator must supply all relevant information at specific points of time before and during the process, and in particular must submit the final authorised and internally validated (aircraft) operator's report before the verification report is issued.
- The independent review and the issuing of the verification report may not be outsourced (Article 42.5), although other verification activities may be outsourced subject to specific requirements (Annex II).
- The verifier keeps records of relevant information and communicates on a regular basis with (aircraft) operators and interested parties.

A capable verification team is formed for each specific verification engagement and must meet the relevant competence requirements (Articles 36 and 37). It comprises at a minimum an EU ETS lead





auditor and, where necessary, EU ETS auditors and technical experts, who offer support based on their extensive knowledge and expertise on a particular subject matter (Article 39). Each component must understand its role and be able to perform it individually and within the team.

The independent reviewer is appointed by the verifier but may not be part of the verification team and must meet specific competence requirements (Article 38). If necessary, the independent reviewer may be supported by a technical expert. The reviewer checks the verifier's internal verification documentation (which includes all relevant findings and information supporting the verification opinion) and the verification report before it is issued in order to validate the compliance of the verification process with relevant provisions and to assess other important aspects. Based on this review and the evidence in the internal verification documentation, the report can be authenticated. The reviewer may not perform any verification activity that is subject to its review.

A competent evaluator appraises the competence and performance of EU ETS auditors and EU ETS lead auditors by monitoring them during the verification of the (aircraft) operator's report on site.

A specific national authority — other than the national accreditation body — is appointed for the accreditation of verifiers that are natural persons.

An assessment team is appointed by the national accreditation body for each specific assessment. It comprises at least one lead assessor, plus, if needed, additional assessors or technical experts for the specific scope of accreditation. Each component must meet the relevant competence requirements and be able to perform specific tasks. Internal reviewers and persons deciding on granting/extending/renewing an accreditation also need to possess knowledge and experience in evaluating accreditation.

Numerical/quantitative targets and other requirements

The materiality level corresponds to:

- 5 percent of the total reported emissions in the reporting period subject to verification for cate-

gory A and B installations (as established in Article 19.2[a][b] of Regulation EU No. 601/2012) as well as for aircraft operators with annual emissions equal to or less than 500 kilotonnes of fossil CO₂; and

- 2 percent of the total reported emissions in the reporting period subject to verification for category C installations (as established in Article 19.2[c] of Regulation EU No. 601/2012) as well as for aircraft operators with annual emissions of more than 500 kilotonnes of fossil CO₂.

Deadlines

Operators:

- must submit information on planned or actual changes to the capacity, activity level and operation of an installation to the competent authority by December 31 of the reporting period; and
- may submit additional information to the competent authority for efficiency reasons (Article 27.5) no later than May 15 of the same year.

Verifiers:

- are subject to surveillance on an annual basis, the first survey being carried out no later than 12 months after the issuing of the accreditation certificate;
- receive an accreditation certificate valid for a maximum of five years following the date on which it is issued; and
- must send information, by November 15 each year, on their verification schedule and on the (aircraft) operators subject to verification to enable the national accreditation body to draft the work programme and management report.

National accreditation bodies:

- carry out the reassessment of a verifier and can decide to extend the validity of the accreditation certificate before it expires;
- must undergo a complete peer evaluation process before December 31, 2014;
- must supply an accreditation work programme to the competent authority of the Member State by December 31 each year; and
- must provide the competent authority with the management report by June 1 each year.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:181:0001:0029:en:PDF>

Commission Regulation (EU) 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions

Repealing

Commission Decision 2007/589/EC

General description

The effective monitoring, reporting and verification (MRV) of GHG emissions is essential in order to assess European performance in terms of emissions reductions and the achievement of related targets.

Subject matter and main goal

This act regulates the monitoring and reporting of GHG emissions and activity data from stationary installations (including power production) and aviation activities in the third trading period (from January 1, 2013) and subsequent trading periods.

Basic principles, essential tools and implementing measures

Principles

(Aircraft) operators must respect their obligations concerning the monitoring and reporting of GHG emissions, according to the following principles in particular:

- completeness in terms of data collection as well as in terms of process and combustion emissions and relevant activities covered by monitoring and reporting;
- consistency and comparability over time, as well as transparency;
- accuracy and methodological integrity in the determination, calculation and measurement of emissions; and
- coordination between competent national authorities.

(Aircraft) operators must continuously improve their monitoring and reporting activities based on the recommendations included in the verification report. These improvements must be reported to the competent authority (Article 69).

(Aircraft) operators must monitor GHG emissions according to the monitoring plan, which is designed according to the nature and functioning of the installations or aviation activities.

The content of the annual emission reports and

tonne-kilometre data reports should comply with Annex X.

An effective control system must be established and operated in order to guarantee that annual emission reports and tonne-kilometre reports are accurate and free of misstatements, and comply with the monitoring plan, the aforementioned procedures and relevant provisions.

Tools

The monitoring plan includes detailed, complete and transparent documentation of the monitoring methodology applied to an installation/aircraft operator (see Annex I), a summary of relevant separate procedures (Article 12.2) and additional information where required by the Member State. This plan must be submitted, together with additional supporting documents, by the relevant (aircraft) operator to the competent authority for approval. The (aircraft) operator must check it regularly and improve its methodology or change it in specific circumstances. Proposals for significant modifications (Article 15.3-4) must be submitted to the competent authority for approval. All modifications to the monitoring plan must be recorded in detail.

Standardised or simplified monitoring plans are foreseen for certain (aircraft) operators and should be published according to specific templates. Their approval is preceded by simplified risk assessments carried out by the competent authority or the (aircraft) operator itself.

Measures

To ensure consistency with other reports, relevant activities carried out by (aircraft) operators must be labelled using codes (Article 73) from relevant reporting schemes.

The (aircraft) operator is responsible for designing, executing and maintaining written procedures for data flow activities for data monitoring and the reporting of GHG emissions or tonne-kilometres (Articles 59 to 66).

The monitoring of emissions from stationary installations

- The monitoring and reporting process must cover sector-specific requirements (Annex IV).



- Operators must select the category (Article 19) of their installation and of each source stream in order to monitor emissions and establish the minimum requirements for tiers. Installations can be divided into category A, category B and category C installations, while source streams may be classified as minor, de-minimis or major source streams.
- Each operator determines the monitoring boundaries for each installation, including all relevant GHG emissions from any emission source and source stream related to relevant activities (including regular operations and abnormal events as well as identified leakages — until the application of corrective measures — but not emissions from mobile machinery for transportation purposes) carried out in the installation.
- The operator must select a methodology to monitor emissions, choosing between a calculation-based methodology (and defining for each source stream the use of the standard methodology [Article 24] or of the mass balance methodology [Article 25], according to Annex IV) and a measurement-based methodology, or combining the different options while avoiding data gaps and double counting. It is also possible to use the fall-back methodology for selected source streams or emission sources. This methodology is not based on tiers and requires specific conditions to be met. If the methodology approved in the monitoring plan is not applicable for technical reasons, the operator must apply the highest achievable tier until the conditions for using the original methodology are restored, and must promptly notify the competent authority of this temporary change.
- Operators of installations with low emissions can submit simplified monitoring plans and are exempted from submitting supporting documents and from several requirements that apply to other operators. In order to determine activity data and the calculation factor for all sources, a minimum tier 1 may be applied. For calculation factors determined on the basis of analyses, operators can resort to any laboratory that is technically competent and able to provide valid results.
- Inherent CO₂ (contained in natural gas or waste) originating from activities and transferred out to another installation or activity covered by Directive 2003/87/EC shall not be counted as emissions of the installation where it originates. Quantities of inherent CO₂ must be determined at both the transferring and the receiving installation and

should be identical. Any deviation between the values should be justified by the uncertainty of the measurement system or by applying conservative adjustments.

- Quantities of CO₂ transferred to a capture installation/transport network/permitted storage site for the purposes of long-term geological storage must be subtracted from the emissions of the installation where they originate, and the receiving installation's identification code must be provided in the relevant annual emissions report. The quantity of transferred CO₂ should be determined at both the transferring and the receiving site, applying a measurement-based methodology and tier 4 (Article 49).

Monitoring emissions and tonne-kilometre data from aviation

- The aircraft operator is responsible for monitoring and reporting emissions from aviation activities for all flights it performs during the reporting period, including tonne-kilometre data for the relevant flights where it has applied for an allocation of free allowances.
- The aircraft operator must determine the annual CO₂ emissions from aviation activities, the fuel consumption for each flight and for each fuel, the fuel uplift, and the fuel contained in the tank, applying tier 2 or lower depending on the reported average annual emissions over the preceding trading period.
- The biomass fraction of a mixed fuel is determined by analysis, using a methodology uniformly applicable in all Member States based on EC guidelines. Records of fuel purchases are useful to ascertain the biomass fraction, net calorific value and emission factor or carbon content of the fuel used in EU ETS aviation activities. The use of biofuels is regulated by Directive 2009/28/EC.
- Small emitters can use tools developed by Eurocontrol or other relevant organisations to determine fuel consumption. They must submit a monitoring plan containing simplified information and are exempted from supplying supporting documents. If an aircraft operator exceeds the fixed threshold during a reporting year it must promptly notify the competent authority and submit any other significant modification of the monitoring plan.
- The aircraft operator is responsible for identifying any source of uncertainty and connected level of uncertainty, with the exception of fuel uplift or fuel





contained in tanks, which it must base on conservative expert judgment. It must carry out regular control activities and implement corrective actions if necessary (Article 55).

- When an aircraft operator applies for the free allocation of allowances, it must determine tonne-kilometre data for all flights performed in the relevant period (Article 56). If it cannot provide tonne-kilometre data to the competent authority due to force majeure, it must present the best tonne-kilometre data that can be made available, even those based on credible estimates. The relevant Member State will in turn submit the data received to the EC, clarifying the circumstances that caused the absence of a verified report. The aircraft operator must verify the submitted data as soon as possible and, in any case upon the termination of the force majeure, and must promptly provide the competent authority with the verified data. The latter will review the allocation of free allowances, which cannot be increased, and the aircraft operator must subsequently return any allowances received in excess.

Institutional scheme/ad hoc bodies

Member States design electronic templates or specific file formats (in accordance with the specifications of the EC) for the submission of monitoring plans and any subsequent changes; annual emission reports; tonne-kilometre data reports; verification reports; and improvement reports. They may also decide to use automated systems for electronic data exchange in order to allow communication between the competent authority, the operator and aircraft operator, the verifier and the accreditation body.

Member States identify the competent authorities responsible for developing the tasks established in this regulation and able to exchange information. In particular, these authorities:

- approve monitoring plans and subsequent changes;
- perform (simplified) risk assessments;
- accept annual emission reports;
- directly determine a conservative estimation of the emissions of an installation or aircraft operator if the (aircraft) operator has not submitted a verified annual report by the relevant deadline; if the verified annual emission report does not comply with relevant provisions; or if an emission report has not been appropriately verified;

- assess non-material misstatements identified in the verification report and not corrected by the (aircraft) operator, and make a conservative estimation of the emissions of the relevant installation/aircraft operator if relevant;
- make emission reports available to the public; and
- assess claims made by (aircraft) operators that the application of a specific monitoring methodology is technically not feasible or leads to unreasonable costs (Articles 17 and 18).

Numerical/quantitative targets and other requirements

- An installation is classed as having low emissions when its average annual emissions (excluding CO₂ stemming from biomass and before the subtraction of transferred CO₂) reported in the verified emission reports in the preceding trading period were less than 25,000 tonnes of CO₂eq per year, or, based on a conservative estimation method, will be less than 25,000 tonnes of CO₂eq per year for the next five years.
- An aircraft operator is considered to be a small emitter if it operates fewer than 243 flights per period for three consecutive four-month periods, or operates flights with total annual emissions lower than 25,000 tonnes of CO₂ per year.

Deadlines

Monitoring plans

- The (aircraft) operator must notify the competent authority about modifications to the monitoring plan that it considers not significant by December 31 of the same year.
- An aircraft operator must submit a monitoring plan to the competent authority at the latest four months in advance, specifying when it intends to apply for an allocation of free allowances. If the aviation activities could not be foreseen, the monitoring plan must be submitted no later than six weeks after the performance of the activities.

Reports

- By March 31 each year, or at the request of the competent authority by February 28 at the earliest, the (aircraft) operator must submit the verified annual emission report. It must also report on activities planned in order to rectify non-conformities and implement the improvements recommended in the verification report by June 30 of year of its issuance.
- By March 31 of the year following the monitoring





year, an aircraft operator applying for the allocation of free emission allowances must submit the verified tonne-kilometre data report to the competent authority.

- The operator of an installation must submit a report to justify why the application of the required tier is not technically feasible or incurs unreasonable costs, or to explain the use of a fall-back methodology;
- by June 30 every four years for a category A installation;

- by June 30 every two years for a category B installation; and

- by June 30 every year for a category C installation. The report may be submitted by an alternative date — no later than September 30 of the same year — at the request of the competent authority.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2012R0601:20120801:EN:PDF>

1.7 CARBON LEAKAGE



Commission Decision 2010/2/EU of 24 December 2009 determining a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage

Amended by

- Commission Decision 2011/745/EU
- Commission Decision 2012/498/EU

General description

'Carbon leakage' means an increase in GHG emissions that can be registered in third countries where industry is not subject to carbon constraints compared to those imposed on developed countries and major emitters, and that would undermine the environmental integrity and benefit of actions by the EU. To address the risk of carbon leakage, the EU will allocate free allowances at 100 percent of the required quantity to sectors or sub-sectors deemed to be exposed to a significant risk of carbon leakage.

Subject matter and main goal

The annex to this decision lists sectors and sub-sectors deemed to be exposed to a significant risk of carbon leakage.

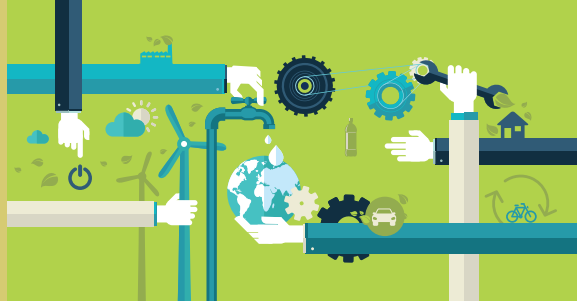
Deadlines

By December 31, 2009, and every five years thereafter, the EC identifies the sectors and sub-sectors deemed to be exposed to a significant risk of carbon leakage and prepares a list of sectors and sub-sectors on the basis of relevant criteria.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2010D0002:20120907:EN:PDF>

1.8 THE NER300 FINANCING INSTRUMENT



Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community (the NER300 Decision)

General description

Subject matter and main goal

NER300 is an important Community instrument aimed at financing innovative projects employing technologies related to carbon capture and storage (CCS) and renewable energy sources (RES), incentivising additional private and national investments, promoting the development and use of low-carbon technologies and increasing connected job opportunities. The programme is managed by the EC with the expert support of the European Investment Bank (EIB) and is directed to all Member States. Its funds are collected through the sale of 300 million emission allowances from the new entrants' reserve (NER) of the EU ETS and awarded to deserving projects through dedicated calls for proposals. Selected projects must be technologically innovative, have an effective chance of successful demonstration and significant potential for replication, and represent a realistic instrument to reduce CO₂ in a cost-effective way.

Basic principles, essential tools and implementing measures

Principles

The costs of investments in land, plant and equipment, as well as of technology transfer and operating licences (under specific conditions), will be covered by this instrument.

Combined financing from other Community instruments or relevant Member States is allowed and encouraged. Co-financing by operators is required.

Eligibility criteria are specified in Annex I and vary according to the project category. Project proposals must also satisfy financial and technical due diligence.

At least one and no more than three projects should be funded within any one Member State.

Each year, all relevant actors involved in demonstrating projects and benefiting from them must

share relevant information (as listed in Annex II) with interested stakeholders.

Tools

Calls and selection procedure:

The EC organises two rounds of calls for proposals, which are published in the Official Journal of the European Union.

The selection process involves multiple actors and several steps:

- Each Member State collects proposals for projects that will be implemented in its territory.
- The relevant Member State verifies that the proposals respect the eligibility criteria and assesses the convenience of supporting each project, and pre-selects certain proposals.
- Pre-selected proposals are submitted to the EIB and the EC is sent a notification together with relevant information, in particular of state aid.
- The EIB assesses each application from a financial and technical point of view and recommends positive decisions to the EC.
- On the basis of the recommendations received from the EIB, and after conferring with the relevant Member State and consulting the Climate Change Committee, the EC issues a final decision directed to the Member State detailing the awarded projects and the corresponding funds in euro.
- Final rankings are developed according to the best cost-per-unit performance. The highest-ranked projects are selected. There is only one rank for CCS projects, while each RES subcategory has a corresponding classification.

If the implementation of one project involves several Member States, they must cooperate and agree on the submission of the proposal to the EIB.

Measures

In case of insufficient competition in a specific subcategory of projects in the first round of applications, corresponding award decisions will be postponed to the second round.



If the total request for funding exceeds the available funds, the number of selected projects should be proportionally reduced, respecting the balance between the different project categories. Projects with the highest cost-per-unit performance will be excluded first.

The disbursement of revenues to project sponsors is annually provided by relevant Member States using appropriately developed and detailed legally binding instruments, and only if knowledge-sharing objectives have been reached. Member States must return to the EIB any excess funds and revenues not disbursed.

Institutional scheme/ad hoc bodies

- The EIB acts on behalf of the EC and has a prominent role in selecting projects, monetising allowances and managing revenues. An agreement between the EIB and the EC defines the specific conditions of this cooperation.
- The EC acts on behalf of Member States in respect to the monetisation of allowances and the management of revenues.
- The Climate Change Committee intervenes in the selection procedure and analyses the relevant EC reports.

Numerical/quantitative targets and other requirements

- 300 million NER allowances are ceded to the EIB, which sells them and passes the necessary revenues to Member States for project disbursement.
- 200 million allowances will be allocated during the first round of calls for proposals, while 100 million allowances and those remaining from the first round will be awarded in the second call.
- 50 percent of the relevant costs of selected projects will be financed by NER300 funds. If the requested public funds represent less than 50 percent of the relevant project costs, they should be totally covered.
- Funds will be distributed for:
 - 8 CCS demonstration projects; and
 - 8 innovative RES demonstration projects, one for each subcategory (bioenergy, concentrated solar power, photovoltaic, geothermal, wind, ocean, hydropower, distributed renewable energy management/smart grid).

The balance between the different categories must be maintained even when the availability of funds allows for the financing of more projects.

- For CCS demonstration projects, the disbursement corresponds to the verified quantity of CO₂ stored in the relevant year multiplied by the funding rate, while for RES demonstration projects it corresponds to the total amount of energy produced multiplied by the funding rate.
- For CCS demonstration projects, the funding rate results from dividing the awarded funding by 75 percent of the overall quantity of CO₂ expected to be stored in the first 10 years; or 75 percent of the total quantity of energy expected to be produced in the first five years for RES demonstration projects.

Deadlines

The acquisition of all relevant permits and the satisfaction of requirements at national and Community level within 24 months of the adoption of the awarded decisions are conditions for the effective use of funds and the implementation of selected projects. This term is extended to 36 months in the case of CCS demonstration projects involving saline aquifer storage.

By December 31, 2015, at the latest, projects selected in the first round of calls for proposals should start (unless an award decision is taken after December 31, 2011, in which case a project can enter into operation within four years of that date).

By December 31, 2015, additional demonstration projects can be co-funded using well-managed revenues or those not disbursed to projects.

By December 31, 2015, Member States will benefit from remaining funds.

By December 31 each year, Member States must submit a detailed report on the implementation of demonstration projects to the EC.

The disbursement shall cover a period of a maximum of 10 years for CCS demonstration projects and five years for RES projects.

The EC reports to the Climate Change Committee on the implementation of the first round of calls for proposals after its completion.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:290:0039:0048:en:PDF>

1.9 GREENHOUSE GAS EMISSIONS AND MONITORING FOR NON-ETS SECTORS



Implementing Decision 2013/634/EU on the adjustments to Member States' annual emission allocations for the period from 2013 to 2020

General description

In the framework of Decision No. 2009/406/EC on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020, this implementing decision determines the adjustments to national annual emission allocations for the period from 2013 to 2020.

Subject matter and main goal

This decision establishes the adjustments to the annual emission allocation for each Member State for each year from 2013 to 2020 (Annex I). In the case of national GHG emission inventories determined using global warming potential (GWP) values from the fourth IPCC assessment report, the adjustments to the annual emission allocations established in Annex II will be applied, rather than those contained in Annex I, as of the first year for which the aforementioned reporting becomes compulsory.

Basic principles, essential tools and implementing measures

Adjustments to Member States' annual emission allocations depend on the quantity of:

- allowances to be issued for installations performing activities listed in Annex I of Directive 2003/87/EC and included in the EU ETS only from 2013 onwards;
- allowances issued in compliance with EC decisions approving the unilateral inclusion by certain Member States of additional activities and gases in the EU ETS in the period 2008–2012; and
- allowances corresponding to installations excluded from the EU ETS as of 2013, for the time they are excluded.

National reported and verified data have been used in the calculation of the adjustment to each Member State's annual emission allocation, as relevant.

Numerical/quantitative targets and other requirements

See annexes.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:292:0019:0022:EN:PDF>

Regulation (EU) No. 525/2013 of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change

Repealing

Decision 280/2004/EC

General description

In order to assess the contribution of the EU and Member States in addressing climate change challenges and achieving connected reduction targets, it is essential to accurately monitor, report and regularly assess their GHG emissions and their efforts to combat climate change.

Subject matter and main goal

This act creates a mechanism for monitoring and reporting GHG emissions in a timely, transparent, accurate, consistent, complete and comparable

manner – including substances listed in Annex I, ozone-depleting substances not covered by the Montreal Protocol and emissions not included in the EU ETS. This mechanism is also for monitoring and reporting non-CO₂-related climate impacts deriving from civil aviation emissions; the use of revenues generated by auctioning; climate change adaptation actions; the EU's and Member States' low-carbon development strategies and aggregate financial and technological support to developing countries; as well as other information related to the UNFCCC and Kyoto Protocol commitments of the EU and Member States and their progress towards meeting relevant targets (Articles 1 and 2).



Basic principles, essential tools and implementing measures

Principles

The EU's and Member States' low-carbon development strategies contribute to the transparent and detailed monitoring of actual and projected progress in achieving the EU's and Member States' emission reduction targets under the UNFCCC, as well as in meeting national reduction commitments under Decision 2009/406/EC and long-term emission reductions and the enhancement of removals by sinks in all sectors in accordance with the EU goal of reducing emissions by between 80 and 95 per cent by 2050 compared to 1990 levels. These strategies and any subsequent updates must be made available to the public.

The principles of cooperation and coordination should inform relations between Member States and the EU in executing their obligations under this regulation.

The monitoring and reporting provisions contained in this regulation must be continuously reviewed and their necessity assessed by the EC in light of any development related to the UNFCCC, the Kyoto Protocol or EU legislation itself (Article 27).

Tools

National inventory systems serve to assess anthropogenic emissions by sources and removals by sinks of GHGs specified in Annex I and provide timely, transparent, accurate, consistent, complete and comparable GHG inventories.

The EU inventory system guarantees the timeliness, transparency, accuracy, consistency, comparability and completeness of national inventories with regard to the EU GHG inventory.

Registries accounting for the issue, holding, transfer, acquisition, cancellation, retirement, carry-over, replacement or change of expiry date of units (AAUs, RMUs, ERUs, CERs, tCERs and ICERs) must be created by the EU and Member States and may be maintained in a consolidated system together with one or more Member States. The central administrator has access to all data contained in these registries.

Measures

Institutional, legal and procedural arrangements necessary for the operation of national and union systems for reporting on policies and measures, as

well as on projections of anthropogenic GHG emissions by sources and removal by sinks, must be established.

The EU and Member States must provide the UNFCCC Secretariat with biennial reports and national communications in compliance with relevant provisions and decisions under the UNFCCC. Member States must submit copies of these documents to the EC.

Institutional scheme/ad hoc bodies

Competent inventory authorities are responsible for preparing national inventory systems and performing annual consistency checks in compliance with the EC implementing acts. They must have access to data and methods reported for activities and installations covered by the EU ETS; data collected through reporting systems on fluorinated gases in the different sectors, making use of these reporting systems if necessary; emissions, data and methodologies connected to the European Pollutant Release and Transfer Register; and data reported in energy statistics.

After reviewing their national inventories for each year of the first commitment period of the Kyoto Protocol, Member States retire from the registry a quantity of units equivalent to their net emissions during the relevant year (Article 11). In the last year of the first commitment period, Member States will retire units before the end of the additional period set for fulfilling commitments.

The EC administers, maintains and improves the EU inventory system and adopts delegated acts on substantive requirements for the aforementioned system. In particular, it:

- implements a quality assurance and quality control programme and assists Member States in implementing their programmes;
- estimates, in consultation with the relevant Member State, any data missing from its national inventory; and
- reviews national GHG inventories.

It also carries out comprehensive reviews and annual reviews — starting with data reported for 2013 (Article 19) — of the national inventory data submitted by Member States in order to monitor their progress towards achieving their GHG emissions reduction or limitation targets and other rel-





evant objectives (Articles 20 to 27). After completing the comprehensive review of inventory data relating to 2020, the EC will determine and publish the sum of the effects of the recalculated GHG emissions for each Member State using the formula provided in Annex II. This sum will be used, together with other parameters, to propose the emission reduction or limitation targets for the period after 2020.

The power to adopt delegated acts according to relevant provisions is conferred on the EC for five years from July 8, 2013, and is tacitly extended for periods of identical duration unless opposed by the European Parliament or the Council or otherwise revoked at any time without affecting the validity of delegated acts already in force. When adopting a delegated act, the EC must promptly notify the European Parliament and the Council, which can object to it within three months (a period that may be extended by a further three months at the request of the Parliament or the Council). If no objection is expressed, the delegated acts enter into force.

The European Environment Agency assists the EC in the performance of its work (Article 24).

The Climate Change Committee assists the EC in the execution of its tasks.

Deadlines

By July 9, 2015, national and EU systems for timely, transparent, accurate, consistent, comparable and complete reporting on policies and measures, as well as on projections of anthropogenic GHG emissions by sources and removals by sinks, must be created. These systems must be maintained and continuously improved at national and union level in compliance with the EC implementing acts and other internationally agreed requirements.

Member States must:

- report to the EC on the status of the implementation of their low-carbon development strategies by January 9, 2015;
- communicate to the EC relevant preliminary and final land use, land-use change and forestry (LULUCF) accounts-related data by January 15 and March 15 respectively of the second year after the end of each accounting period specified in Annex I of the LULUCF Decision (Article 7.3);
- ascertain and report to the EC a detailed set of GHG emissions (Article 7.1) and other relevant

data for the year X-2 by January 15 each year (year X). The EC will proceed with an initial check of these data submitted for accuracy and communicate the results to Member States within six weeks. By March 15 each year, Member States must respond to relevant questions included in the initial check and submit a complete and updated national inventory report for the year X-2 to the EC. If a Member State fails to submit the final inventory data needed for compiling the EU inventory, the EC will prepare estimates in consultation and cooperation with the state concerned;

- submit their national inventories to the UNFCCC Secretariat by April 15 each year. The EC submits to the same body the EU GHG inventory and the EU GHG inventory report prepared in cooperation with the Member States;
- report in detail (Article 13.1) on national policies and measures aimed at limiting or reducing GHG emissions by sources and enhancing removals by sinks, including information on their national system for reporting, their low-carbon strategies and relevant progress in their implementation, and other relevant data, by March 15, 2015, and every two years thereafter. Substantial changes to the information reported during the first year of the reporting period must be communicated to the EC by March 15 of the year following the previous report. All the aforementioned information must be made available to the public;
- report in detail (Article 14.1) the most up-to-date national projections of anthropogenic GHG emissions by sources and removals by sinks, organised by gas or group of gases specified in Annex I and by sector, by March 15, 2015, and every two years thereafter. Substantial changes to the information reported during the first year of the reporting period must be communicated to the EC by March 15 of the year following the previous report. Where Member States fail to provide such projections, the EC prepares estimates — in consultation with the relevant Member State — necessary to compile the EU projection. All the aforementioned information must be made available to the public;
- submit information on their national adaptation planning and strategies underlying implemented or planned actions, main objectives and climate change impact categories addressed, by March 15, 2015, and every four years thereafter, aligned with reporting timings to the UNFCCC;
- provide the EC with approximated national GHG inventories for the year X-1 by July 31 each year





(year X). On the basis of these data and its own estimation for missing data, the EC will prepare an approximated EU GHG inventory, which should be made available to the public by September 30; and

- report to the EC, for the year X-1, on the use of revenues generated by auctioning allowances and aviation allowances and effectively disbursed, as well as on project credits by July 31 each year (year X), in compliance with the EC implementing acts (Article 17). All this information must be made available to the public, including the aggregate EU information compiled by the EC.

By September 30 each year, Member States and the EC must report on financial and technological support provided to developing countries for mitigation, adaptation, capacity building and technology transfer in compliance with relevant provisions and decisions under the UNFCCC and the Kyoto Protocol and agreements deriving from them.

The EC:

- submits a report, by October 31 each year, summarising the conclusions of:
 - the annual assessment of progress made by the

EU and Member States towards meeting commitments under the UNFCCC and the Kyoto Protocol, as well as in respecting the emission limits set for 2013–2020; and

- the biennial assessment of the overall impact of aviation on the global climate;
- must evaluate whether the use of the 2006 IPCC Guidelines for National Greenhouse Gas Inventories or an essential change to UNFCCC methodologies applied in determining GHG inventories contributes to a difference of more than 1 percent in a Member State's total GHG emissions relevant for setting the annual emissions allocations, and require its revision, by December 16, 2016.

Upon the expiry of the additional period for fulfilling commitments under the Kyoto Protocol, the EU and Member States must submit an ad hoc report on that specific period.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:165:0013:0040:EN:PDF>

Decision 2013/162/EU on determining Member States annual emission allocations for the period from 2013 to 2020

General description

In the framework of Decision 2009/406/EC on the effort of Member States to reduce their GHG emissions to meet the Community's GHG emissions reduction commitments up to 2020, this decision determines national annual emissions allocations for the period 2013–2020.

Subject matter and main goal

- Annex I of this decision lists the annual emission allocation for each Member State for each year from 2013 to 2020. These allocations can be further adjusted.
- In case of national GHG emission inventories using global warming potential (GWP) values from the fourth IPCC assessment report, the annual emission allocations established in Annex II will be

applied as of the first year for which the aforementioned reporting becomes compulsory.

Numerical/quantitative targets and other requirements

See annexes.

Deadlines

The annual emission allocations for Croatia fixed in Annex I apply as of the date of the entry into force of the Treaty of Accession of Croatia.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:292:0019:0022:EN:PDF>

Decision No. 406/2009/EC of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

Amended by

The Treaty of Accession of Croatia (2012)

General description

Reducing GHG emissions is fundamental to reaching the UNFCCC goal of stabilising GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. In this context, the EU is multiplying its efforts to pursue emissions reductions in all economic sectors, including aviation, international maritime emissions and those not covered by the Community trading scheme.

Subject matter and main goal

This act regulates the minimum contribution of Member States to comply with the EU GHG emissions reduction obligation for 2013–2020 for GHG emissions of categories listed in Annex I, and excluding emissions covered by the EU ETS. It also sets provisions for making these contributions and for their evaluation. It establishes rules for assessing and implementing more stringent reduction commitments exceeding 20 percent at the Community level.

Basic principles, essential tools and implementing measures

Principles

Each Member State should annually reduce its GHG emissions in a linear manner to pursue the 2020 limit fixed in Annex II.

Tools and measures

Member States can use GHG emission reduction credits (CERs, ERUs, tCERs, ICERs) for meeting their commitments (Article 5). The annual allowed quantity of these credits may not exceed 3 percent of national GHG emissions in 2005, and any unused quantity can be transferred to another Member State. In addition to the aforementioned credits, and when specific conditions arise (Article 5.5), Member States with a negative limit or a positive limit of at most 5 percent (listed in Annex III) are allowed to use additional credits equal to 1 percent of their verified emissions in 2005 from least-devel-

oped countries (LDCs) and small island developing states (SIDs) each year. Member States can also use credits from Community-level projects (without any quantitative limit).

Member States are responsible for reporting on annual GHG emissions covered by this decision; the use/geographical distribution and types of credits, as well as the quality criteria applied (justifying the use of credits from non-eligible project types); projected progress towards meeting national obligations; and information on planned additional national policies and measures to limit emissions beyond their commitment. The EC evaluates whether the progress reported by Member States is sufficient; comprehensively assesses the implementation of this decision; and makes amendments where appropriate.

If a Member State exceeds its annual emission allocation, an amount equal to the excess emissions multiplied by an abatement factor of 1.08 will be deducted from the emission allocation of the following year. The Member State will be subject to a temporary suspension of eligibility to transfer part of its emission allocation or JI/CDM rights to another Member State and must present to the EC an assessment and corrective action plan within three months.

Institutional scheme/ad hoc bodies

The Climate Change Committee provides the EC with the support needed to perform its tasks.

The Central Administrator must automatically check on each transaction performed under this decision through its independent transaction log and, where necessary, block irregular transactions.

Numerical/quantitative targets and other requirements

The Community aims at a GHG emission reduction of 30 percent by 2020 compared to 1990, going beyond the mandatory reduction target of 20 percent imposed according to the Kyoto Protocol, and further pursues a collective reduction of GHG emissions of between 60 and 80 percent by 2050.



In relation to Member States:

GHG emission limits in 2020 in relation to 2005 emission levels are established in Annex II.

From 2013 to 2019, a Member State may carry forward from the following year up to 5 percent of its annual emission allocation. If national GHG emissions are below the annual emission allocation, the Member State may carry over the excess reductions to subsequent years until 2020.

In 2013 and 2014, a Member State may request from the EC an increased carry forward rate in excess of 5 percent in the case of extreme meteorological events justifying increased emissions compared to years with normal meteorological conditions.

If in compliance with this decision, a Member State may transfer up to 5 percent of its annual emission allocation for a given year, or transfer the part of allocations exceeding its emissions for that year, to other Member States, which will use any of these quantities for meeting their obligations for the given year or any subsequent year until 2020.

The maximum quantity of emissions for each Member State must be adjusted depending on the quantity of allowances:

to be issued for installations performing activities listed in Annex I of Directive 2003/87/EC and included in the EU ETS only from 2013 onwards; issued in compliance with EC decisions approving the unilateral inclusion by certain Member States of

additional activities and gases in the EU ETS in the period 2008–2012; and corresponding to installations excluded from the EU ETS as of 2013, for the time they are excluded.

Deadlines

Within six months of the availability of reviewed and verified emissions data, measures determining the annual emission allocation for the period 2013–2020 (in terms of tonnes of CO₂eq) must be adopted.

The EC must:

- evaluate separately the projected progress of the Community and of Member States towards fulfilling their reduction obligations every two years, starting with the 2013 GHG emissions report;
- submit a report specifying all the adjustments deriving from this agreement within three months of its signature, and a legislative proposal amending this decision and addressing all relevant aspects in the case of signing a new international climate agreement requiring mandatory reductions exceeding 20 percent compared to 1990 levels (Article 8); and
- submit a report to the European Parliament and the Council evaluating the implementation of this decision and making appropriate proposals by December 31, 2016.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009D0406:20130701:EN:PDF>

1.10 CARBON CAPTURE AND STORAGE



Directive 2009/31/EC of 23 April 2009 on the geological storage of carbon dioxide

Amended by

Directive 2011/92/EU

General description

Subject matter and main goal

This directive regulates the capture of CO₂, its compression and transportation, and its permanent storage in appropriate underground geological sites. Carbon dioxide streams should be composed mainly of CO₂, excluding waste or other substances, except for those incidentally associated from the origin or during the capture or storage process. The concentration of these substances must be contained to avoid any impact on the storage site, transport infrastructure, surrounding environment and human health.

This act amends previous legislative acts on this matter. Carbon capture and geological storage (CCS) has a strong climate change mitigation potential and is aimed at reducing risks to the environment and human health. Its application embraces the territories, exclusive economic zones and continental shelves of EU Member States.

Basic principles, essential tools and implementing measures

Principles

- Information sharing between Member States that allow carbon storage in their territories and on the implementation of this directive.
- Member States may allow storage or may refuse to locate storage sites within their territories. They must assess the suitability of potential storage sites and verify that there is neither a risk of leakage nor risks to the environment and human health (see criteria in Annex I).
- Potential users of the transport and storage facilities for CCS purposes should obtain fair and open access to such infrastructure, taking into account all relevant conditions and potential incompatibilities that would justify a refusal.
- Transboundary cooperation is required when the transport facilities, storage sites or complexes have a transnational character.

Tools

- Exploration permits allow the collection of relevant

information on potential storage sites. These permits are impartially granted to any entity satisfying certain conditions. They are valid for a limited time, refer to a specific volume area, and ensure the exclusive exploration right of their holders. Member States should ensure that there are no conflicting uses of the potential storage complex.

- Storage permits must be granted for the actual operation of storage sites. The holder of an exploration permit should have priority over competitors if it presents the application during the validity of such an authorisation and if it has respected the conditions and achieved the objectives specified in the exploration permit. Each site should have only one operator and no conflicting use should be allowed during the permitting process. The application should specify the name, address, and technical and financial capacities of the potential operator and should define the storage site and complex, the overall amount of CO₂ to be contained and the procedure for transporting and injecting it in a safe way. It shall also include preventive and corrective measures, a provisional monitoring plan and a post-closure plan. All the information contained therein will be reflected in detail, and with a definitive character, in the storage permit granted by the national authority. The storage permit may be updated according to any relevant change concerning the operation of the storage complex or the operator itself. The permit may also be reviewed or withdrawn as a result of the notified or reported (risk of) leakages, critical irregularities or non-compliance with the content of the authorisation, or in view of technological and scientific progress.
- National competent authorities shall keep one register listing all the storage permits that have been granted, and another register recording in detail the closed storage sites and their surrounding complexes. In order to control and limit contaminated streams, Member States should also establish ad hoc registers to record the characterisation of CO₂ streams and take appropriate decisions based on EC guidelines.
- The report (submitted by the operator to the national authority) includes monitoring data, the characterisation of CO₂ streams, information related to financial security, as well as other facts



demonstrating the respecting of the storage permit and clarifying carbon behaviour at the storage site.

Measures

- Routine and non-routine inspections of the storage complex are carried out to verify compliance with this directive as well as impacts on the environment and human health. A specific report summarises the findings of each inspection.
- On the basis of a monitoring plan, the operator must monitor the injection infrastructure, the storage site and the environment around it, not only to detect distortions, migrations or leakages of CO₂ and environmental impacts (especially on water resources), but also to verify the efficiency of corrective measures and the safety and integrity of the storage complex.
- Corrective measures are adopted by the operator in the case of CO₂ leakages or other irregularities. The competent authority may intervene in a subsidiary way if the operator fails to act, and will recover any cost from the latter.
- If a permit is withdrawn, a new permit must be issued or the storage site closed. The competent authority should temporarily assume responsibility for the site until the new permit is issued, but may recover any connected cost from the previous operator.
- Closure of a site may be motivated by the achievement of the objectives specified in the permit, or if the operator makes such a request to the competent authority. The operator remains responsible for monitoring, reporting and applying corrective measures, as well as for sealing the storage site and dismantling the injection infrastructure. The national authority may also close the complex after withdrawing the permit. In this latter case, the authority itself will be responsible for monitoring and corrective measures, but will recover any cost from the operator. Provisional and definitive post-closure plans specify the obligations to be fulfilled by the operator or the competent authority after a storage site has been closed. After the closing of a storage site, responsibility over it will be transferred from the operator to the competent national authority after a certain period of time if the injected CO₂ is proved to be definitively stored, the financial requirements have been satisfied, and the storage complex has been sealed and the connected facilities dismantled. This transfer will take place on the initiative of the national author-

ity itself, or at the request of the operator, which must submit a detailed report proving the fulfilment of the aforementioned conditions.

- Effective, proportionate and dissuasive penalties shall be established at national level to punish any violation of the provisions implementing this directive.
- Financial security is a fundamental part of the application for a storage permit. The aim is to prove that the operator is able to fulfil the duties prescribed in the authorisation and related to the closure and post-closure of the site. Financial security shall be periodically updated and applies from the beginning of operations to the closure of the storage site and the transfer of responsibility over it. The operator transfers a financial contribution to the competent authority covering any costs (for monitoring etc.) borne by the latter in the post-transfer period.

Institutional scheme/ad hoc bodies

- A national competent authority/authorities is/are designated for implementing this directive.
- Appropriate dispute settlement arrangements and institutions should be developed at national and international level for settling disputes on access to transport and capture facilities.
- The Climate Change Committee shall assist the EC when necessary.

Numerical/quantitative targets and other requirements

The potential impact of this directive is underlined in the preamble. In the framework of 20 percent Community-wide GHG emissions reductions, and providing that CCS proves to be an effective means for reducing climate change and receives the appropriate support at private, national and Community level, 7 million tonnes of CO₂ could be stored by 2020, while by 2030 the contained quantity could reach 160 million tonnes and around 15 percent of the EU's required reductions would correspond to prevented emissions.

Deadlines

This directive must be reviewed on the basis of its implementation practice by June 30, 2015

The national authority:

- should review storage permits every 10 years without prejudice to previous updates due to significant changes or irregularities in the operation of the relevant site;





- must approve the updated (storage site) monitoring plan submitted every five years;
- reviews the report on the storage site submitted by the operator at least once a year;
- performs routine inspections of a storage complex at least once a year until three years after the closure of the site, and every five years after responsibility over the site is transferred to the national authority.

Member States:

- had to transpose this directive into national law by June 25, 2011. Candidate countries have to adopt and internalise this directive during their accession period/before becoming Member States; and
- must report to the EC on the implementation of this directive every three years.

The EC:

may issue a non-binding opinion on the draft storage permit within four months of its submission, or may inform the Member State within one month. The same deadlines apply to operators' reports prepared for the transfer of responsibility over closed storage sites; and

must report to the European Parliament and the Council within nine months of receiving the three-yearly national reports on the implementation of this directive. By March 31, 2015, the EC will submit a detailed report assessing specific aspects of the implementation of this directive.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009L0031:20120217:EN:PDF>

1.11 QUALITY OF FUELS



Directive 2003/30/EC of 8 May 2003 on the promotion of the use of biofuels and other renewable fuels for transport

Amended by

Directive 2009/28/EC

General description

While requiring the prudent and rational use of natural resources (in particular oil, natural gas and solid fuels, which are sources of energy but also of CO₂ emissions), the EU encourages the use of biomass (deriving from agriculture and forestry products, residues and waste from forestry, and the forestry and agri-foodstuffs industry) to produce biofuels. The use of alternative fuels (primarily biofuels) would reduce dependence on oil and imported energy in the carbon sector, and would contribute to meeting the emissions reduction commitment under the Kyoto Protocol. Thanks to technological advances, most vehicles can use biofuel blends of 10 percent or higher.

Subject matter and main goal

This act promotes the use of biofuels and other renewable fuels to replace diesel or petrol for transport purposes, facilitating the achievement of climate change commitments, contributing to the environmentally friendly security of supply, and promoting renewable energy sources.

Basic principles, essential tools and implementing measures

A minimum proportion of biofuels and other renewable fuels must be placed on the market of all Member States according to national indicative targets.

When deciding on the measures to adopt, Member States must evaluate the climate and environmental balance of the various types of biofuels and other renewable fuels and prioritise fuels with a cost-effective environmental balance due also to their competitiveness and to the security of supply.

Numerical/quantitative targets and other requirements

Reference values for biofuels placed on the markets of Member States are:

- 2 percent, calculated on the basis of energy content, of all petrol and diesel for transport purposes by December 31, 2005.
- 5.75 percent, calculated on the basis of energy content, of all petrol and diesel for transport purposes by December 31, 2010.

Deadlines

Member States must:

- transpose this directive into national law before December 31, 2004, bringing into force all necessary laws, regulations and administrative provisions. Candidate countries must adopt and internalise this directive during their accession period/ before becoming Member States; and
- report to the EC on national measures dedicated to the promotion of biofuels or other renewable fuels for transport purposes, national resources assigned to the production of biomass for other purposes, total sales of transport fuels and the share of biofuels and other renewable fuels placed on the market for the preceding year, before July 1 each year. In their first report, Member States must indicate the value of their national indicative targets, and any difference from the reference values established in this directive must be "motivated" (see Article 4.1).

By December 31 and every two years thereafter, the EC must report in detail (Article 4.2) to the European Parliament and the Council on national progress made in the use of biofuels and other renewable fuels. Based on this report, the EC may propose relevant amendments.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2003L0030:20100401:EN:PDF>

Commission Decision 2002/159/EC of 18 February 2002 on a common format for the submission of summaries of national fuel quality data

General description

Member States must monitor the quality of the petrol and diesel fuels available on their markets in order to comply with the environmental standards prescribed in relevant EU law and to ensure the effectiveness of actions aimed at reducing atmospheric pollution caused by vehicles.

Subject matter and main goal

This decision establishes a common reporting format for Member States for the submission of fuel quality monitoring information.

Deadlines

By June 30 each year, Member States must submit a report on national fuel quality data for the preceding calendar year.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:053:0030:0036:EN:PDF>

Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels

Amended by

- Regulation (EC) No. 1882/2003
- Directive 2055/33/EC
- Regulation (EC) No. 219/2009
- Directive 2009/30/EC
- Directive 2012/33/EU

General description

The EU pursues effective protection for all people from risks related to sulphur dioxide (SO₂) emissions and the protection of the environment by preventing sulphur deposition exceeding critical loads and levels. Reducing sulphur emissions by reducing the sulphur content of fuels brings considerable benefits and is possible thanks to a well-established technology in this field.

Subject matter and main goal

This act aims to reduce emissions of SO₂ deriving from the combustion of certain types of liquid fuels, and consequently to limit their harmful impact on human beings and the environment.

Basic principles, essential tools and implementing measures

Principles

- Reductions in SO₂ emissions must be achieved by imposing limits on the sulphur content of certain petroleum-derived liquid fuels as a condition for their use in Member States' territory, territorial

seas and exclusive economic zones or pollution control zones. However, these limitations do not apply to fuels used for specific purposes (Article 1).

- During duly approved trials of new emission abatement methods on vessels flying a Member State's flag in sea areas within the jurisdiction of Member States, the use of marine fuels with low sulphur content standards is not mandatory if all required conditions are met (Article 4e).

Tools and measures

Member States are responsible for:

- maintaining a public register of local suppliers of marine fuels;
- demanding the correct completion of ships' log-books, especially fuel changeover operations, and ensuring that marine fuels complying with this directive are available in their ports and terminals;
- guaranteeing that the sulphur content of all marine fuels sold in its territory is documented by a bunker delivery note from the supplier and a sealed sample signed by the representative of the receiving ship;
- intervening against suppliers delivering marine fuel that does not comply with the specification of the bunker delivery note;
- taking remedial action to bring non-compliant marine fuels into compliance;
- adopting financial measures to favour operators affected by the sulphur limits imposed on fuels;



- informing the EC of difficulties in respecting sulphur limits due to a change in the supply of fuels. The EC can authorise the application of a higher limit within a Member State's territory for a period not exceeding six months and must notify the Council and the Member States about this decision. Member States may refer such a decision to the Council within one month, and the Council can adopt a different decision by qualified majority within two months; and
- checking that the sulphur content of fuels complies with the limits set in this directive by sampling on a periodical basis, starting from the date on which the relevant limit comes into force, and ensuring that samples are representative of the fuel examined as well as of marine fuels used by vessels in relevant sea areas and ports. The sampling, analysis and inspection of marine fuels are carried out through specific means and according to implementing acts approved by the EC (Article 6).

Duly approved emission abatement methods (complying with Annex II) can be used by ships of all flags in Member States' ports, territorial seas, exclusive economic zones and pollution control areas as an alternative to using marine fuels with low sulphur content if:

- those ships pursue continuous reductions of sulphur emissions equalling at least the reductions that would be achieved by using marine fuels meeting the low sulphur content requirements in accordance with Annex I; and
- docked vessels use onshore power supply systems provided by Member States.

Effective, proportionate and dissuasive penalties must be established for contraventions of national rules implementing this directive.

Institutional scheme/ad hoc bodies

National competent authorities must be identified by Member States to develop the relevant tasks prescribed in this directive. In particular, where a Member State identifies a ship in breach of this directive, its competent authority can require the ship to present its records and specific evidence (Article 4a.5). The ship should not deviate or delay its planned voyage to achieve compliance, and where it provides the information required, the Member State evaluates the relevant circumstances and evidence and decides on the appropriate action to take, including not taking control measures.

A committee should assist the EC in performing its work according to this directive.

The EC has the power to adopt delegated acts according to the conditions set out in the relevant provision (Article 9a).

Numerical/quantitative targets and other requirements

Limits to the use of heavy fuels

- Heavy fuel oils should not be used in Member States' territories if their sulphur content exceeds 1 percent by mass, with specific exceptions subject to the appropriate monitoring of emissions by competent authorities, some valid until December 31, 2015, and others valid as of January 1, 2016 (Article 3.2).
- No combustion plant using heavy fuel oil with a sulphur concentration exceeding 1 percent by mass should operate in the territory of a Member State without a permit issued by a competent authority and specifying emission limits.

Limits to the use of marine fuels

- Marine fuels with a sulphur content exceeding 3.5 percent by mass should not be used except if supplied to ships using emission abatement methods operating enclosed ports, harbours and estuaries.
- Marine fuels should not be used in a Member State's territorial seas, exclusive economic zones and pollution control zones falling within SOx Emission Control Areas if their sulphur content exceeds by mass:
 - 1 percent until December 31, 2014; or
 - 0.1 percent as of January 1, 2015.

This prohibition applies to all vessels of all flags, including those coming from outside the EU. Member States are responsible for vessels flying their flag and, where bordering SOx Emission Control Areas, for vessels of all flags while in their ports. They can also adopt further enforcement actions in compliance with international maritime law. The EC must consider any change to the relevant provisions of the MARPOL Convention and propose appropriate amendments if necessary. For any sea areas and ports subsequently designated as SOx Emission Control Areas, this prohibition applies 12 months after the date of entry into force of the designation.

- Marine fuels should not be used in a Member State's territorial seas, exclusive economic zones





and pollution control zones if their sulphur content exceeds by mass:

- 3.5 percent as of June 18, 2014; or
- 0.5 percent as of January 1, 2020.

This prohibition applies to all vessels of all flags, including those coming from outside the EU.

- Marine fuels should not be used in a Member State's territorial seas, exclusive economic zones and pollution control zones falling outside SOx Emission Control Areas by passenger ships operating a regular service to or from any EU port if their sulphur content exceeds 1.5 percent by mass until January 1, 2020. Member States are responsible at least in respect of vessels flying their flags and, in the case of Member States bordering SOx Emission Control Areas, vessels of all flags while in their ports.
- Member States must ensure that marine diesel oils are not placed on its market if their sulphur content exceeds 1.5 percent by mass. The same applies to marine gas oils with sulphur content exceeding 0.1 percent by mass.
- Ships at berth in EU ports should not use marine fuels with a sulphur content exceeding 0.1 percent by mass. Their crew will be granted sufficient time for fuel changeover operations (to be recorded in the ship's logbook) as soon as possible after arrival at berth and as late as possible before departure, except for ships at berth for less than two hours

or ships switching off all engines and using shore-side electricity while at berth in ports.

Gas oils with a sulphur content exceeding 0.1 percent by mass should not be used in Member States' territory.

Deadlines

Member States must:

- transpose this directive into national law before July 1, 2000, bringing into force all necessary laws, regulations and administrative provisions. Candidate countries must adopt and internalise this directive during their accession period/before becoming members; and
- report to the EC on compliance with the sulphur limits fixed by this directive for the preceding year on the basis of the results of sampling, analysis and inspections by June 30 each year.

The EC compiles and publishes a report on the implementation of this directive based on Member States' reports within 12 months and addresses the potential non-availability of marine fuels, evaluating the need for any amendment in order to further strengthen the relevant provisions.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1999L0032:20121217:EN:PDF>

Directive 98/70/EC of 13 October 1998 relating to the quality of petrol and diesel fuels

Amended by

- Commission Directive 2000/71/EC
- Directive 2003/17/EC
- Regulation (EC) No. 1882/2003
- Directive 2009/30/EC
- Commission Directive 2011/63/EU

Repealing

- Directive 85/210/EEC
- Directive 85/536/EEC
- Directive 87/441/EEC
- Directive 93/12/EEC by Directive 2009/30/EC

General description

A reduction in the GHG intensity (or decarbonisation) of fuels and the use of biofuels lead to lower emissions from transportation, have a positive impact on air quality and contribute to meeting EU GHG reduction goals.

Subject matter and main goal

This act establishes technical specifications on health and environmental grounds for fuels to be used with positive-ignition and compression-ignition engines, as well as a target for the reduction of lifecycle GHG emissions in relation to road vehicles and non-road mobile machinery, agricultural and forestry tractors, and recreational craft when not at sea.

Basic principles, essential tools and implementing measures

Principles

- Petrol may be placed on the market within a Member State's territory only if it respects the environmental specifications listed in Annex I.
- Diesel can be placed on the market within a Member State's territory only if it respects the environmental specifications listed in Annex II.
- Fuels complying with this directive are subject to the principle of free circulation in the territory of the EU.
- Energy from biofuels may be taken into consideration for GHG emissions reductions only if it complies with the following sustainability criteria (Article 7b):
 - 1) GHG emission savings from the use of biofuels shall be at least 35 percent.

- 2) From January 1, 2017, these savings should reach at least 50 percent, and from January 1, 2018, 60 percent for biofuels produced in installations operating on or after January 1, 2017. In the case of biofuels produced by installations that were in operation on January 23, 2008, this percentage applies from April 1, 2013.
- 3) Biofuels should not belong to raw materials obtained from land with high biodiversity value in or after January 2008.
- 4) Biofuels should not belong to raw materials obtained from land with high carbon stock in January 2008 which no longer has that status.
- 5) Biofuels should not belong to raw materials obtained from land that was peatland in January 2008, unless their cultivation and harvesting did not involve drainage of previously undrained soil.
- 6) Agricultural raw materials cultivated in the Community and used for the production of biofuels respect the relevant Community environmental standards.

Biofuels produced from waste and residues (other than residues from agriculture, aquaculture, fisheries and forestry) need only comply with the first sustainability criterion.

- Fuels containing metallic additives must be appropriately labelled.
- The calculation of lifecycle GHG emissions from biofuels follows specific rules (Article 7d).

Tools and measures

- Member States:
 - may apply more stringent environmental specifications to fuels marketed in specific areas of its territory, submitting and appropriately justifying the request to the EC and informing other Member States, which may make comments within two months. The EC will make a decision within the following three months, taking the comments into consideration, notifying the Member States of its decision, and informing the EU Parliament and the Council; and
 - inform the EC of difficulties in respecting fuel specifications due to a change in the supply of crude oil or petroleum. The EC can authorise the application of higher limits for one or more fuel components within its territory for a period not exceeding six months and must notify the





Council and the other Member States of this decision. Member States may refer such decisions to the Council within one month, while the Council can adopt a different decision by qualified majority within one month.

- Bilateral or multilateral agreements on sustainability criteria must be concluded between the Community and third countries. They may regulate issues related to the conservation of areas that provide basic ecosystem services in critical situations. The EC may decide that these agreements prove the compliance of biofuels with the sustainability criteria. The EC may also decide that voluntary national or international schemes (setting standards for the production of biomass products as well as those aimed at measuring GHG savings) contain accurate data and demonstrate compliance with the relevant sustainability criteria (Article 7c.4). The EC may adopt these decisions (valid for a period of five years) only if the agreement or schemes respect adequate standards (Article 7c.5) of reliability, transparency and independent auditing as well as other requirements if relevant according to the specific circumstances. If an economic operator provides Member States with evidence or data in compliance with one of the aforementioned agreements or schemes, the supplier is not required to present additional proofs of compliance with the sustainability criteria, or other information.
- Effective, proportionate and dissuasive penalties must be established at national level for violations of the provisions implementing this directive.

Institutional scheme/ad hoc bodies

Each Member State:

- must monitor that petrol and diesel fuels comply with the relevant requirements and, to this purpose, establishes a fuel quality monitoring system compliant with European standards or an alternative system providing results of equivalent confidence; and
- identifies the supplier(s) responsible for monitoring and reporting lifecycle GHG emissions per unit of energy from fuel and energy supplied. Providers of electricity for use in road vehicles can contribute to the reduction obligation if they can appropriately measure and monitor the electricity supplied.
- The aforementioned suppliers must:
- report annually to the competent authority on the

GHG intensity of fuel and energy supplied from January 1, 2011 (Article 7a.1). Their reports will be verified by Member States; and

- gradually reduce lifecycle GHG emissions per unit of energy from fuel and energy supplied.
- Economic operators must use a mass balance system for verification purposes and show Member States that biofuels (either produced within the Community or imported) respect the sustainability criteria and can be taken into consideration for GHG emissions reductions. The EC should report on the mass balance verification method and propose the use of other verification methods if needed. Economic operators should submit reliable information and maintain adequate standards of independent auditing performed on the information presented. Each Member State should gather this information and submit it to the EC, which publishes it on the ad hoc transparency platform (Article 7c).

The EC:

- can examine whether the sustainability criteria are respected in relation to a source of biofuel on its own initiative or at the request of a Member State and must decide within six months if the state can take it into consideration in view of its GHG emissions reductions; and
- must assess the risks to health and the environment caused by the use of metallic additives to fuels and communicate its results.

The Committee on Fuel Quality assists the EC in the development of its tasks.

Numerical/quantitative targets and other requirements

From January 2014, the limit for the metallic additive methylcyclopentadienyl manganese tricarbonyl (MMT) in fuel should be 2 mg of manganese per litre, and this limit may be reviewed.

Member States may:

- design specific rules for the use of petrol as well as diesel fuel and gas oil with a maximum sulphur content of 10mg/kg in the so-called outermost regions, properly informing the EC;
- require suppliers to place on the market petrol with a maximum oxygen content of 2.7 percent and a maximum ethanol content of 5 percent until 2013, and for a longer period if necessary. Consumers must be appropriately informed of the biofuel content of petrol as well as of the use of different petrol blends;





- duly apply (in the case of states with low ambient summer temperatures) for derogations and place on the market petrol with a maximum vapour pressure of 70 kPa during summer periods, otherwise the maximum vapour pressure will be 60 kPa (Article 3.5);
- replace the maximum distillation point (in the case of states with severe winter conditions) of 65 percent at 250°C with a maximum distillation point of 10 percent at 180°C for diesel fuel and gas oil and may place on their market diesel with a fatty acid methyl ester (FAME) content greater than 7 percent (beyond the specifications of Annex II), ensuring the appropriate information is provided to consumers.

Suppliers should reduce lifecycle GHG emissions per unit of energy from fuel and energy supplied by up to 10 percent by December 31, 2020, compared with the fuel baseline standard. This reduction should reach 6 percent by December 31, 2020, with two intermediate targets: 2 percent by December 31, 2014; and 4 percent by December 31, 2017 (Article 7a.2). An indicative additional target of 2 percent by December 31, 2020, could be achieved by the supply of energy for transport supplied for use in road vehicles, non-road mobile machinery, agricultural and forestry tractors or recreational craft and/or the use of technologies for the reduction of lifecycle GHG emissions per unit of energy from fuel or energy supplied. An indicative additional target of 2 percent by December 31, 2020, may be reached using CDM credits. These reduction obligations may be jointly met by a group of suppliers.

Deadlines

Member States:

- had to transpose this directive into national law no later than July 1, 1999, bringing into force all necessary laws, regulations and administrative provisions, and had to apply the measures contained in this directive from January 1, 2000. Candidate countries must adopt and internalise this directive during their accession period/before becoming Member States;
- had to prohibit the marketing of leaded petrol in their territory no later than January 1, 2000. Small quantities of leaded petrol with a lead content not

exceeding 0.15g/l, to a maximum of 0.03 percent of total sales, may be used by old vehicles of a characteristic nature and distributed only through special interest groups;

- may place on their market gas oil used by non-road machinery (including inland waterways vessels), agricultural and forestry tractors and recreational craft from January 1, 2011, only if its sulphur content does not exceed 10 mg/kg. Other liquid fuels with the same sulphur content may be used for inland waterways vessels and recreational craft;
- may permit the use of gas oil with a maximum sulphur content of 20 mg/kg to accommodate minor contamination in the supply chain at the point of final distribution to end users from January 1, 2011; and
- must report national fuel quality data for the preceding calendar year and submit other relevant information (Article 8.3).

The EC:

- must report to the Parliament and to the Council on the respecting of the first four sustainability criteria by third countries and Member States that provide a significant quantity of biofuels or raw materials for biofuels within the Community, every two years from 2012. It also reports on other relevant aspects linked to the production of and demand for biofuels and on related policies, including the ratification of relevant international conventions by third countries and Member States that provide a significant quantity of biofuels or raw materials for biofuels within the Community;
- publishes an annual report to provide an overview of fuel quality in the various Member States on the basis of their reports by June 30 each year;
- must report to the Parliament and the EC on specific aspects connected to this directive and propose amendments if needed every three years since December 31, 2012 (Article 9); and
- must report on the achievement of the GHG emissions target for 2020 in 2014 at the latest, and propose modifications to it if necessary.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1998L0070:20110622:EN:PDF>

1.12 OZONE LAYER PROTECTION



Commission Regulation (EU) No. 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No. 1005/2009 on substances that deplete the ozone layer

General description

Pursuant to Regulation (EC) No. 1005/2009, this act designs a mechanism for allocating quotas of controlled substances for laboratory and analytical use.

Subject matter and main goal

This regulation establishes an allocating mechanism to ensure that all undertakings applying for a new share of controlled substances for laboratory and analytical use receive that share.

Basic principles, essential tools and implementing measures

Principles

- Producers/importers that did not have an ad hoc licence for the period 2007–2009 will benefit from new quotas.

Tools and measures

- The allocation mechanism follows the steps below:
 - 1) Each undertaking for which production or import of controlled substances for essential laboratory and analytical uses was licensed between 2007 and 2009 receives a quota corresponding to the quantity requested but limited to 130 percent of the annual average of the calculated level of controlled substances licensed for this undertaking in the years 2007 to 2009. The sum of these allocations is subtracted from 110 ozone-depleting potential (ODP) tonnes to determine the quantity to be allocated to new undertakings.
 - 2) Phase 1: The quota assigned to each new undertaking reflects the quantity requested but may not exceed the pro rata share (calculated

by dividing 100 by the number of new undertakings) of the allocation quantity for Phase 1. The sum of quotas allocated in Phase 1 is subtracted from the quantity for allocation in Phase 1 to determine the amount remaining for allocation in Phase 2.

- 3) Phase 2: New undertakings that did not receive 100 percent of the quantity requested in Phase 1 receive an additional quota resulting from the difference between the quantity requested and the quantity received in Phase 1 and respecting the pro rata share of the quantity for allocation in Phase 2. The sum of the quotas allocated in Phase 2 is subtracted from the quantity for allocation in Phase 2 to determine the allocation amount for Phase 3.
- 4) Phase 3: The mechanism implemented in Phase 2 is repeated until the remaining quantity for allocation in the subsequent phase is smaller than 1 ODP tonne.

Numerical/quantitative targets and other requirements

The annual total quantity of controlled substances authorised under licences is limited to 110 ODP tonnes.

Deadlines

The quotas are allocated annually to new undertakings.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:147:0004:0005:EN:PDF>

Commission Decision 2010/372/EU of 18 June 2010 on the use of controlled substances as process agents

General description

The production, use, trade and all relevant activities related to ozone-depleting substances (ODS) are regulated under Regulation (EC) No. 1005/2009. In this framework, the use of ODS as process agents is still permitted in the Community and is regulated according to the present decision.

Subject matter and main goal

This decision regulates the use of controlled substances as process agents in order to prevent excessive use and to meet Community obligations under the Montreal Protocol. It specifies those undertakings permitted to use controlled substances as process agents, the total quantity of these substances that can be newly fed into the process cycle by each undertaking ("make-up"), and their emission limits.

Basic principles, essential tools and implementing measures

The annex lists all undertakings allowed to use controlled substances as process agents as of January 1, 2010. For each undertaking, it establishes:

- the substance;
- the process; and
- the annual make-up and emission quantities.

Each undertaking may fully or partially transfer its make-up quota to any other undertaking in the annex, which may only use it for the substance and purpose authorised. The transfer is subject to proper notification to the EC and relevant Member States, and to confirmation of receipt of the former.

Deadlines

This decision applies from January 1, 2010, and is specifically addressed to the undertakings mentioned in its text.

Undertakings listed in the annex must notify the EC and the competent authority of the relevant Member State in case of decommissioning of the installations concerned within three months.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:169:0017:0018:EN:PDF>

Regulation (EC) No. 1005/2009 of 16 September 2009 on substances that deplete the ozone layer

Amended by

- Commission Regulation (EU) No. 1088/2013
- Commission Regulation (EU) No. 744/2010

Repealing

- Regulation (EC) No. 2037/2000

General description

The protection of the ozone layer is a fundamental requirement for the protection of the environment and humankind against overexposure to UV-B radiation. The ozone layer is damaged by ozone-depleting substances (ODS), which are chemicals largely used in industrial processes. The Vienna Convention for the Protection of the Ozone Layer and the

Montreal Protocol on Substances that Deplete the Ozone Layer have tackled this issue on a global scale, and in this context the EU aims to strengthen its efforts through stricter measures and a comprehensive legal framework, also taking into consideration the significant link with climate change.

Subject matter and main goal

This act regulates the production, import/export, placing on the market, use, recovery, recycling, reclamation and destruction of controlled and new ODS and of products and equipment containing or relying on them. The regulation facilitates the achievement of the EC's commitments as a party to the Montreal Protocol, focusing in particular on



transboundary environmental issues connected to intra-state and external trade in ODS.

Basic principles, essential tools and implementing measures

Principles:

It is generally prohibited to produce, place on the market, import/export and use controlled and new ODS and products containing them, with specific exceptions.

Derogations from the prohibition on producing/using/placing on the market controlled substances are foreseen in the following cases:

- Laboratory and analytical uses
- Feedstock
- Process agents (only in installations operating before September 1, 1997, and with insignificant emissions levels)
- Destruction and reclamation
- Quarantine and pre-shipment applications to treat goods for export with methyl bromide (subject to the respective national legislation)
- Critical uses of halons

Derogations from the prohibition on importing controlled substances and products/equipment containing them are foreseen in the following cases:

- Laboratory and analytical uses
- Feedstock
- Process agents
- Destruction by appropriate technologies
- Repackaging and re-exporting hydrochlorofluorocarbons to a party where the consumption/import is not prohibited (by December 31, 2019)
- Emergency uses of methyl bromide or repackaging and re-exporting for quarantine and pre-shipment applications (by December 31, 2014)
- Recovered, recycled or reclaimed halons for critical uses by authorised undertakings

Derogations from the prohibition on exporting controlled substances and products/equipment containing them are foreseen in the following cases:

- Laboratory and analytical uses
- Feedstock
- Process agents
- Destruction
- Recovered, recycled or reclaimed halons for critical uses by authorised undertakings
- Virgin or reclaimed hydrochlorofluorocarbons for uses other than destruction

- Methyl bromide re-exported for quarantine and pre-shipment applications (by December 31, 2014)
- Authorised metered dose inhalers with chlorofluorocarbon
- Products/equipment with hydrochlorofluorocarbons, if the prohibition constitutes a disproportionate burden on the exporter in relation to the expected remaining lifetime of the product/equipment considered

The right to place on the market/use controlled substances can be transferred by any producer/importer in full or in part to another producer/importer, subject to proper notification and without implying the further right to produce/import.

The free circulation of imported controlled substances (for laboratory and analytical uses, or used as feedstock or process agents) is limited by specific quotas assigned by the EC to each undertaking for a 12-month period and according to the anticipated demand.

Trading with a state that is not a party to the protocol or a territory not covered by this regulation is prohibited, except in specific cases.

Controlled substances contained in specific equipment and products should be recovered, recycled, reclaimed and destroyed using appropriate technologies (Annex VII). These activities must be promoted by Member States and performed by personnel that meet the minimum qualification requirements defined by the relevant state.

The general prohibitions and specific derogations also apply to new substances listed in Part A of Annex II.

National authorities shall exchange information and cooperate among themselves and with the EC.

Tools:

- Labelling is required to indicate that a controlled substance is produced/used/placed on the market for a specific purpose, as foreseen by the derogations.
- Fire protection systems and extinguishers containing halons are prohibited and must be decommissioned without exception.
- In the case of controlled substances other than hydrochlorofluorocarbons produced/used/placed





on the market for essential laboratory and analytical uses, registration is required, specifying the substances used, the purpose, the estimated annual consumption and suppliers. A licence must also be granted to producers and importers, indicating the substances and quantities authorised.

- Licences are required for importing and exporting controlled substances and products/equipment containing them, except for specific circumstances. Applications for licences must be submitted by registered undertakings to the EC through the ad hoc electronic licensing system and are granted within 30 days of receipt. The required information may vary according to the controlled substance and the purpose of its import/export. Licence applications may be rejected on the grounds of lack of compliance.

Measures:

- To ensure “industrial rationalisation” within a Member State or between Member States, producers may be authorised to exceed the calculated level of production of controlled substances by the competent authority in the former case, and by the EC in the latter. Industrial rationalisation may also take place with a third country that is a party to the Montreal Protocol.
- If there is a risk of illegal trade in controlled/new substances and products/equipment containing them and placed in temporary storage, in a customs warehouse or in a free zone procedure, or in transit through the customs territory of the EC, the EC may reinforce monitoring by adopting additional measures.
- Each undertaking must adopt precautionary measures to prevent leakages and emissions of controlled substances, including those used as feedstock or process agents, or accidentally produced while developing other chemicals. It must also maintain records of the quantity and type of controlled substances added or recovered during the maintenance/servicing/final disposal of equipment; the company or technician performing such activities; and the dates and consequences of leakages.
- Member States must carry out inspections to verify the compliance of undertakings with this regulation and must investigate illegal movements of controlled substances.
- Effective, proportionate and dissuasive penalties shall be established for violations of the provisions of this regulation.

Institutional scheme/ad hoc bodies

- Each Member State designates a competent authority to execute any function required under this regulation, and in particular to:
 - authorise producers to produce controlled substances or exceed the levels of their production in specific circumstances, especially in the interests of industrial rationalisation within a Member State, subject to the Montreal Protocol and with appropriate notification of the EC;
 - allow time-limited exemptions (by December 31, 2019) to the prohibition on the use/placing on the market of hydrochlorofluorocarbons and connected products/equipment for a specific use, where technical or economic alternatives are lacking;
 - approve sites where methyl bromide may be used for quarantine and pre-shipment applications;
 - request from the EC authorisation to produce/place on the market/use methyl bromide in emergency cases (pests or diseases) within 120 days and for a maximum quantity of 20 tonnes; and
 - authorise undertakings to use halons.
- National personnel with minimum qualification requirements are involved in the recovery, recycling, reclamation and destruction of controlled substances and products, as well as in checking relevant equipment for identifying leakages.
- A committee shall support the EC in performing its functions.

Numerical/quantitative targets and other requirements

- Controlled substances used as process agents may not exceed a maximum amount of 1,083 tonnes per year and maximum emissions of 17 tonnes per year.
- The annual quantity authorised by licences to individual producers/importers of controlled substances other than hydrochlorofluorocarbons may not exceed 130 percent of the annual average of the overall amount licensed for essential laboratory and analytical uses in 2007–2009.
- 110 ozone-depleting potential (ODP) tonnes is the limit for the total quantity of controlled substances, including hydrochlorofluorocarbons, annually authorised under licences.
- At least 80 percent of methyl bromide released from the consignment used for quarantine and pre-shipment applications must be recovered.





Deadlines

- Producers of hydrochlorofluorocarbons for laboratory and analytical use may not exceed:
 - 35 percent of their verified production in 1997 between January 1 and December 31, 2010, and in each 12-month period until December 31, 2013;
 - 14 percent of their verified production in 1997 between January 1 and December 31, 2014, and in each 12-month period until December 31, 2016; and
 - 7 percent of their verified production in 1997 between January 1 and December 31, 2017, and in each 12-month period until December 31, 2019.

No production of hydrochlorofluorocarbons is permitted after December 31, 2019.
- Until December 31, 2014, reclaimed and recycled hydrochlorofluorocarbons may be placed on the market and used for the maintenance and service of existing refrigeration, air-conditioning and heat pump equipment.
- Until 31 December 2019, hydrochlorofluorocarbons may be placed on the market for repackaging and export, and such operations must be appropriately registered with the EC.
- Refrigeration, air conditioning and heat pump equipment, and fire protection systems containing controlled substances need to be checked by qualified personnel:
 - at least once every 12 months if they have a fluid charge of 3 kg or more of controlled substances (except for labelled hermetically sealed equipment with less than 6 kg of controlled substances);
 - at least once every six months if they have a fluid charge of 30 kg or more of controlled substances; and
 - at least once every three months if they have a fluid charge of 300 kg or more of controlled substances.
- Detected leakages must be repaired as soon as possible, and within 14 days at the latest. A subsequent leakage check should be performed within one month of the repair.
- By June 30 each year, Member States must submit a comprehensive electronic report to the EC, containing information relevant to the previous calendar year.
- By March 31 each year, each undertaking must send to the EC (with a copy to the competent national authority) all data relevant to controlled and new substances listed in Annex II for the previous calendar year. The specific content of the report depends on the activities performed by the relevant undertaking (production, import, export, destruction of controlled substances etc.).
- By March 31 each year, each licensed producer/importer must communicate to the EC (with a copy to the competent national authority) detailed data on each substance that requires authorisation.
- Annex VI specifies different end dates for applications using halons for diverse purposes.

Link to the consolidated text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R1005:20100908:EN:PDF>

1.13 LAND USE, LAND-USE CHANGE AND FORESTRY



Decision 529/2013/EU on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities

General description

Land use, land-use change and forestry (LULUCF) activities can cause emissions of CO₂ and non-CO₂ gases, but can also function as a net sink, removing greenhouse gases (GHG) from the atmosphere thanks to the carbon stored in vegetation and soil. LULUCF activities can contribute to the achievement of EU GHG emissions reduction targets, although GHG emissions and removals resulting from this sector are not counted towards the EU's 20 percent GHG emissions reduction target for 2020 and this situation should be changed in the future. This sector should also be strategically and coherently addressed within the EU's climate policy in the context of moving towards a competitive low-carbon economy in 2050.

Subject matter and main goal

This act establishes accounting rules for GHG emissions and removals resulting from LULUCF activities in order to include them in the EU's emissions reduction commitment at a later stage. It also establishes the obligation on Member States to present information on their LULUCF activities aimed at limiting or reducing emissions as well as at maintaining or increasing removals.

Basic principles, essential tools and implementing measures

Principles:

- Member States must produce and maintain accounts of all emissions and removals resulting from LULUCF activities (namely afforestation, reforestation, deforestation and forest management) on their territory for each accounting period specified in Annex I.
- These accounts must cover emissions and removals of CO₂, methane (CH₄) and nitrous oxide (N₂O).
- The calculation method applied to accounting in the case of cropland management and grazing land management is also valid for re-vegetation and/or wetland drainage and rewetting (Article 8).

Tools and measures:

- Member States:
 - can prepare and maintain accounts for emissions and removals from re-vegetation and wet-

- land drainage and rewetting for each accounting period specified in Annex I;
- should prepare annual accounts for emissions and removals from cropland management and grazing land management on their territory for the accounting period beginning on January 1, 2021, and thereafter;
- must respect the following general accounting rules:
 - emissions must be denoted by a plus (+) sign and removals by a minus (-) sign;
 - the information included in the accounts must be accurate, complete, consistent, comparable and transparent;
 - double counting must be avoided, thus emissions/removals from activities falling under more than one category should be accounted for under only one category;
 - the areas of land on which one of the relevant activities is conducted must be determined and clearly identifiable in the account for the respective category;
 - changes in the carbon stock of certain carbon pools (Article 4.5) must be included in the accounts, unless the carbon pool is not a source;
 - the balance of total net emissions and removals during the relevant accounting period must be specified in each account; and
 - an accurate record of the data used to compile the accounts must be maintained;
- must take into consideration, when accounting for afforestation, reforestation and deforestation, emissions and removals taking place on areas that were not forest on December 31, 1989, and reflect the total emissions and removals for each year in the relevant accounting period. These accounts must be maintained even when the relevant activity is no longer performed on that land. The emissions resulting from afforestation and reforestation can be recorded in a single account. The forest area must be determined using the spatial assessment units listed in Annex V;
- must follow specific calculation methods (Article 6) when accounting for emissions and removals from forest management, in line with this act and under the UNFCCC. At least one year before the



end of each accounting period, Member States must present revised reference levels to the EC, which should coincide with those established by acts approved in the international climate change framework and reflect changes in international acts. When technologies relating to the data used for establishing reference levels have been improved, the Member State concerned must include the impact of the recalculation in the accounting for forest management. Member States must indicate the quantity of annual emissions deriving from natural disturbances included in the revised reference level, and the method for calculating it. This revised information must be checked by the EC to ensure that information sent to the UNFCCC is consistent with the information communicated by Member States;

- must include, when accounting for emissions and removals from harvested wood products (Article 7), emissions from products removed from their forest prior to January 1, 2013, and exclude emissions already accounted for under the Kyoto Protocol between 2008 and 2012 on the basis of instantaneous oxidation. They must reflect emissions and removals deriving from changes in the pool of harvested wood products belonging to specific categories and must use the function and default half-life values prescribed in Annex III;
- must take into consideration the general rules for calculating background levels of natural disturbances (Annex VII). Non-anthropogenic GHG emissions by sources resulting from natural disturbances can be excluded from the calculation of national accounting obligations in specific circumstances (Article 9.2–5); and
- must prepare national reports on current and future LULUCF activities (aimed at limiting or reducing emissions and maintaining or increasing removals connected to them) as a separate document, including all information required and covering the duration of the relevant accounting period. These documents will be collected and the findings summarised by the EC in order to facilitate the exchange of information, knowledge and best practices among Member States.

Institutional scheme/ad hoc bodies

The EC is empowered to adopt delegated acts in accordance with the relevant provisions of this directive and subject to the conditions prescribed therein.

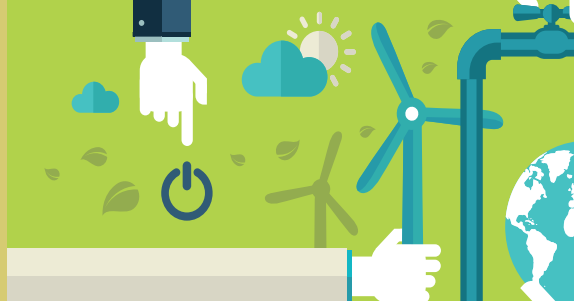
Deadlines

- By June 30, 2017, the EC will review the accounting rules set out in this decision and propose appropriate changes if needed.
- In relation to cropland management and grazing land management, Member States must:
 - report to the EC on systems in place or being developed for evaluating emissions and removals from these activities, as well as on the conformity of these systems with IPCC methodologies and UNFCCC requirements, by March 15 each year between 2016 and 2018;
 - provide the EC with initial, preliminary and non-binding annual estimates of emissions and removals from these activities by March 15 each year prior to January 1, 2022; and
 - present final annual estimates for the accounting of these activities no later than March 15, 2022. This deadline may be delayed at the reasoned request of a Member State (submitted by January 15, 2021) if final estimates cannot be provided within the fixed timescale as a result of specific circumstances (Article 3.1). The EC may grant the derogation for a maximum of three calendar years from March 15, 2022, or must otherwise justify the rejection of the request.
- No later than 18 months after the beginning of each accounting period, Member States must inform the EC of their present and future LULUCF actions. By halfway through each accounting period, and again at the end of the accounting period, Member States must communicate progress made in the implementation of their LULUCF actions and must make these reports public within three months of their submission. This information will be synthesised in a report by the EC.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:165:0080:0097:EN:PDF>

1.14 RENEWABLE ENERGY SOURCES



Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources

Amended by

- Council Directive 2013/18/EU

Repealing

- Directive 2001/77/EC
- Directive 2003/30/EC

General description

Subject matter and main goal

Developing energy from renewable resources, promoting energy efficiency and improving energy savings are key goals of the Community. Renewable sources are non-fossil sources (wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases). This directive establishes precise targets and defines a coherent legal framework for reaching these objectives at Community and national level. Its implementation has a cross-sectoral character, since transport, industry, construction and agriculture (among other sectors) are affected by its provisions.

Basic principles, essential tools and implementing measures

Principles:

Energy efficiency and energy savings are not only parallel goals but also strategic means of pursuing and reinforcing renewable energy objectives.

The gross final consumption of renewable energy is the sum of the total electricity and energy for heating, cooling and transportation that is produced from renewable sources and consumed in a state, while its share comes from the gross final consumption of energy from renewable sources divided by the overall gross final consumption of energy.

When the capacity of an installation is increased, the additional units of renewable energy consequently produced shall be considered as belonging to a new installation operational since the date of the capacity increase.

The use of renewable energy in the building sector is crucial. It must be increased and encouraged through various actions prescribed in building regulations and codes, especially in relation to new build-

ings and those subject to major renovation, and by employing efficient heating and cooling systems and equipment with contained consumption levels.

Relevant information and guidance must be made available by responsible entities to all interested actors in relation to:

- support measures, net benefits, the cost and efficiency of renewable energy equipment and systems, certification schemes or equivalent qualification schemes (Annex IV); and
- the availability of and environmental benefits connected to the use of multiple renewable energy sources in the transport sector.

Biofuels and bioliquids must comply with sustainability criteria:

Their production must:

- lead to a minimum GHG emissions saving of 35 percent. This share will reach at least 50 percent in 2017, and from January 1, 2018, at least 60 percent in relation to biofuels and bioliquids produced in installations operating from January 1, 2017;
- not originate from biodiverse areas (primary forests, protected areas etc.);
- not originate from land with high carbon stock (wetlands, forested areas etc.);
- not originate from areas characterised as peatland; and
- respect Community environmental requirements for agriculture and ensure the protection of soil, water and air.

In the case of emissions from carbon stock changes due to indirect land-use change for the production of biofuels, the installations that produced biofuels before the end of 2013 and achieved a GHG emission saving of at least 45 percent by December 31, 2017, will be considered compliant with the sustainability criteria.

Their use results in GHG emissions impacts/savings that can be calculated on the basis of the rules and methods contained in Annex V.

Those resulting from waste, residues and non-food cellulosic and ligno-cellulosic materials must



be counted twice for the achievement of national renewable energy targets for transport and connected obligations for operators.

When the share of biofuels in mineral oil derivatives surpasses 10 percent by volume, this information must be made public at sales stations.

Tools and measures:

National renewable energy actions plans specify renewable energy targets to be reached in transport, electricity, heating and cooling by 2020, including measures, cooperative projects and national policies aimed at reaching those targets.

The indicative trajectory (set in Annex I, Part B) indicates the share of energy from renewable resources that Member States must reach in subsequent periods in order to achieve the mandatory targets.

Guarantees of origin certify the quantity of renewable electricity or energy for heating and cooling in a supplier's energy mix. The standard size of a guarantee is 1 MWh. Each guarantee should correspond to a single unit of renewable energy produced. It should be used within 12 months of production and may be cancelled once used. Guarantees of origin must be accurate and detailed in their content, reliable and resistant to fraud. They should be issued, transferred and cancelled electronically under the supervision of the Member State and its competent authorities. Member States must mutually recognise their guarantees of origin. If a Member State has doubts about the authenticity of a guarantee of origin, it may refuse it, notifying and justifying such a refusal to the EC.

The transmission and distribution of electricity produced from renewable energy sources should benefit from guaranteed and priority access to a well-functioning electricity system operating through appropriate grid infrastructure. Reliable and safe grid systems facilitate interconnection between Member States and with third countries. Transmission and distribution system operators should establish and publicise the mechanisms for bearing and sharing the costs related to technical improvements, enhancements to grid operation and the application of grid codes in favour of new producers, who should be provided with all relevant information. The same shall be valid for natural gas produced from renewable sources. Electricity and

gas produced from renewable sources (especially in peripheral locations) shall not be subject to discrimination on the basis of distribution and transmission tariffs. The achievement of the 2020 national targets may require extending existing infrastructure or building new grids for renewably produced district heating and cooling.

Support schemes and cooperation between Member States and with third countries are key national measures. Support schemes comprise renewable energy equipment and systems that satisfy technical specifications set at national level in accordance with European standards.

Statistical transfer allows a Member State to cede precise quantities of renewable energy for one or more years to another state without influencing the obligation of the former to pursue its national target. This transfer is effective after proper notification to the EC.

Joint projects are a form of cooperation between two or more Member States in producing electricity as well as heating and cooling from renewable sources. These schemes may also apply to Member States and third countries, but only for the production of renewable electricity, and may include private operators. The amount of energy produced in one Member State/third country will therefore count towards the national overall target of another Member State. The implementation of joint projects implies a detailed system of notifications and specific conditions. Its implementation may be extended beyond 2020, although the renewable electricity produced in one Member State/third country may not count towards the national overall target of another Member State beyond 2020.

Joint support schemes are another voluntary form of cooperation. They consist in combining the national support schemes of two or more Member States with a view to producing specific quantities of renewable energy in one country and counting it towards the national overall target of another. Such relocation is based on either a statistical transfer or a distribution rule (establishing the quantities of renewable energy to be allocated between the Member States in the scheme).

The use of biofuels and bioliquids results in GHG emissions impacts/savings that can be calculated





on the basis of the rules and methods contained in Annex V. The production of biofuels and bioliquids will count towards the achievement of national targets for renewable energy only after being verified through a mass balance method to ascertain whether sustainability criteria have been respected. Economic operators must carry out independent auditing and provide relevant and reliable information under the supervision of Member States. The states will summarise the information received and submit it to the EC, which will publish it on an ad hoc transparency platform. Bilateral/multilateral agreements foreseeing sustainability criteria shall be signed between the Community and third countries supplying biofuels and bioliquids.

Institutional scheme/ad hoc bodies

Member States must:

- establish a single administrative entity for processing applications for renewable energy production and issuing connected certifications and licences;
- draft transparent and non-discriminatory national rules and procedures for authorising, certifying and granting licences related to the production, transmission and distribution of renewable energy as well as to the conversion of biomass. These rules and procedures shall detail the roles and coordination of national/regional/local administrative bodies; provide appropriate information to applicants; design fast and certain administrative procedures; foresee administrative charges; and simplify procedures for small projects and peripheral devices; and
- prepare biannual national reports to update the data contained in earlier reports and include relevant information on multiple aspects of renewable energy production and use (sectoral and overall shares of renewable energy; support schemes and other measures to promote and increase its use; the efficiency of the system of guarantees of origin; the improvement of administrative procedures for developing renewable energy; transmission and distribution schemes for renewable electricity and connected costs; developments in the availability and use of biomass resources for energy and associated changes in commodity prices and land use; the environmental impacts of biofuel production; the potential surplus of renewable energy transferable to other Member States and the possibility of participation in joint projects until 2020; the estimated renewable energy demand to be satisfied by domestic and external production by 2020;

and the amount of biodegradable waste used for renewable energy production).

An online public transparency platform shall be established to increase transparency and encourage cooperation and information exchange between Member States. Relevant reports and other documents will be made available on the platform.

The Committee on Renewable Energy Sources and the Committee on the Sustainability of Biofuels and Bioliquids shall support the EC in performing its relevant activities.

The EC:

- fulfils monitoring and reporting obligations in relation to the origin, production, use, environmental impacts and GHG emissions savings of biofuels and bioliquids within and outside the Community;
- maintains dialogue and exchanges information with all relevant actors (from third countries, to producers and consumers); and
- may recognise the accuracy of certain voluntary national or international systems that contain detailed data on the production of biomass products and GHG emissions savings, or prove that biofuels respect the sustainability criteria. The use of such schemes relieves economic operators of proving compliance through additional evidence.

Numerical/quantitative targets and other requirements

By 2020, the Community must produce a 20 percent share of its overall energy from renewable resources and a 10 percent share in the transport sector. Mandatory national targets are consistent with Community targets.

The use of biofuels and bioliquids should lead to a minimum GHG emission saving of 35 percent. This share will reach at least 50 percent in 2017, and from January 1, 2018, at least 60 percent for biofuels and bioliquids produced in installations operating from January 1, 2017.

Each Member State:

- pursues an individual target for the gross final consumption of energy in 2020 that is specified in Part A of Annex I and established according to national conditions and potentialities;
- must achieve a minimum 10 percent target for renewable energy/biofuels in all forms of transport in 2020;





- should not consume an amount of energy for aviation purposes exceeding a 6.18 percent share of its gross final consumption (with the exception of Malta and Cyprus); and
- should promote ad hoc technologies aimed at a biomass conversion efficiency of approximately 85 percent for residential and commercial applications, and 70 percent for industrial applications.

Deadlines

By 2020, a 20 percent share of overall Community energy should come from renewable resources and a 10 percent share in the case of transport. Each Member State has a specific target for its gross final production of energy and a 10 percent target for the transport sector.

Each Member State:

- must transpose this directive into national law by December 5, 2010. Candidate countries must adopt and internalise this directive during their accession period/before becoming Member States;
- must present to the EC a document estimating its production and internal demand for energy from renewable resources, submitting also appropriate amendments if it moves away from the indicative trajectory six months before the due date for its national renewable energy action plan;

- shall set minimum requirements for the use of renewable energy sources in new buildings or those subject to significant renovation, by December 31, 2014;
- shall reconsider, and appropriately change, the rules for bearing and sharing costs related to the good functioning of the electricity grid in the interests of new producers, every two years; and
- is required to submit a detailed report to the EC every two years, until presenting its sixth and last report by December 31, 2021.

The EC:

- reports to the European Parliament and the Council every two years on relevant aspects related to biofuel production in Member States and third countries, with particular attention to natural resources protection and social impacts;
- on its own initiative, or within six months of receiving a request from a Member State, must verify that a specific source of biofuel or bioliquid respects the sustainability criteria in order to allow its exploitation; and
- must present the final report on the application of this directive in 2021.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009L0028:20130701:EN:PDF>



Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings

Repealing

Directive 2002/91/EC (A correlation table is established in Annex V)

General description

The building sector accounts for 40 percent of total energy consumption in the EU, thus promoting the reduction of energy consumption and the use of energy from renewable sources in this sector would contribute to the achievement of the relevant EU targets. This directive aims to enhance the energy performance of buildings and responds to the need to delineate concrete actions to achieve the significant unrealised potential in buildings and reduce the large differences between Member States' results in this sector.

Subject matter and main goal

This directive aims to improve the energy performance of buildings within the EU and sets out minimum requirements concerning different aspects influencing the achievement of this goal.

Basic principles, essential tools and implementing measures

Principles:

The methodology used to calculate the energy performance of buildings must be adopted at national or regional level based on the common general framework of Annex I.

When existing buildings or their parts are renovated, their energy performance must be upgraded, also taking into consideration high-efficiency alternative systems (Article 7).

Tools and measures:

Detailed requirements can be set for new, replacement and upgraded technical building systems to optimise their energy use (Article 8).

Separate independent control systems may be established for energy performance certificates and inspection reports for heating and air-conditioning systems. The control systems must be based on Annex II.

Member States must:

- establish minimum energy performance requirements for buildings and building units, differen-

tiating between new and existing buildings and between different categories of building, except for specific categories (Article 4);

- calculate cost-optimal levels of minimum energy performance requirements using the comparative methodology framework established by the EC in accordance with Annex III (Article 5);
- analyse alternative high-efficiency systems to ensure that new buildings meet the minimum energy performance requirements before construction starts (Article 6);
- prepare, and inform the EC about, national plans concerning nearly zero-energy buildings. The EC evaluates these plans and can request further information or propose amendments that should be submitted by the Member State concerned within nine months (Article 9);
- provide/encourage appropriate financing instruments and remove market barriers to support the development of buildings with high energy performance and facilitate the transition towards nearly zero-energy buildings, benefitting from the assistance of the EC and its analysis (Article 10);
- set up a system for the certification of the energy performance of buildings. The energy performance certificate covers multiple aspects and is issued for buildings or building units constructed, sold or rented out to new tenants or occupied by public authorities. It should be based on the voluntary common EU certification scheme adopted by the EC, which can be adapted to national circumstances (Articles 11–13);
- set out appropriate measures to ensure the regular inspection of heating systems with boilers of an effective rated output of more than 20 kW and of air-conditioning systems with an effective rated output of more than 12 kW (Articles 14–15). Such inspections are followed by the handing over of inspection reports to the owner or tenant of the building (Article 16);
- provide the owners and tenants of buildings or building units, as well as the general public, with relevant information according to this directive (Article 20); and
- consult with local and regional stakeholders involved in the implementation of this directive in order to strengthen its effectiveness.



Effective, proportionate and dissuasive penalties must be established for contravening national rules implementing this directive.

Institutional scheme/ad hoc bodies

Qualified and/or accredited experts undertake the energy performance certification of buildings as well as inspections of heating systems and air-conditioning systems (Article 17).

The EC has the power to adopt delegated acts according to the relevant provisions of this directive. However, objections may be raised about such acts and the delegated power may be revoked (Articles 23–25).

An ad hoc committee supports the EC in the performance of its duties.

Deadlines

The EC:

- will review this directive by January 1, 2017, at the latest and accompany its review with appropriate amendment proposals; and
- presented a report on the progress of Member States in increasing the number of nearly zero-energy buildings and prepares an action plan based on this report by December 31, 2012 and must present such a report every three years thereafter.

Member States:

- were obliged to transpose this directive into national law by July 9, 2012. Candidate countries must adopt and internalise this directive during their accession period/before becoming Member States. However, the application of Article 12.1 and 12.2 to rented-out single building units may be deferred until December 31, 2015;
- must report to the EC the input data, assumptions and results of the calculation of cost-optimal levels

of minimum energy performance requirements at regular intervals of no longer than five years following the submission of the first report by June 30, 2012;

- should review minimum energy performance requirements at least every five years and update them in accordance with technical progress in this sector; and
- prepare a list of existing and proposed measures and instruments (including financial ones) to improve the energy performance of buildings. The first such list had to be presented to the EC for recommendations by June 30, 2011, and lists must be submitted every three years thereafter.

A building energy performance certificate is valid for a maximum of 10 years.

Heating systems with boilers of an effective rated output of more than 100 kW should be inspected at least every two years. Gas boilers are subject to inspections every four years.

By July 9, 2015, energy performance certificates must be issued for buildings with a total useful floor area of over 250 m² (rather than the previous 500 m²) occupied by public authorities and frequently visited by the public.

By December 31, 2018, new buildings occupied and owned by public authorities must be nearly zero-energy buildings.

By December 31, 2020, all new buildings must be nearly zero-energy buildings.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:153:0013:0035:EN:PDF>

1.16 ENERGY EFFICIENCY



Directive 2012/27/EU of 25 October 2012 on energy efficiency

Amended by

- Council Directive 2013/12/EU

Repealing

- Directive 2004/8/EC
- Directive 2006/32/EC

General description

Energy efficiency can make a significant contribution to addressing climate change challenges. It stabilises the security of energy supply by reducing dependence on external sources; helps reduce greenhouse gas emissions; and stimulates research into innovative technological solutions. The EU aims to increase energy efficiency and achieve energy savings in multiple sectors.

Subject matter and main goal

The numerous measures foreseen in this act are directed towards the achievement of the EU's 2020 20 percent headline target for energy efficiency and towards further improvements in the long term. It also regulates the removal of barriers in the energy market and the overcoming of market failures. It establishes minimum requirements and indicative national energy efficiency targets for 2020, which do not prevent member states from maintaining or establishing more stringent measures.

Basic principles, essential tools and implementing measures

Principles:

The building sector should benefit from a long-term renovation strategy and investments, which should be included in national energy efficiency action plans (Article 4).

Information on multiple aspects of the energy efficiency market and its operations directed towards different actors must be transparent and widely disseminated. Awareness-raising and training initiatives are strongly encouraged in order to inform citizens of the benefits and practicalities of energy efficiency improvement measures (Article 17).

Tools:

The conversion factors (presented in Annex IV, or alternative factors) are used to compare energy savings or for converting to a comparable unit (Article 21).

An online platform should be established by the EC to encourage the practical implementation of this directive at different levels and to facilitate the exchange of experiences and best practices.

Measures:

Member States:

- must establish an indicative energy efficiency target and communicate it to the EC in terms of an absolute level of primary and final energy consumption in 2020 (Article 3);
- must establish, in their national energy efficiency obligation scheme, a cumulative end-use energy savings target to be achieved by energy distributors and/or retail energy sales companies designated as obligated parties over the period from January 1, 2014, to December 31, 2020. They must also determine the quantity of energy savings for each obligated party in terms of either primary or final energy consumption and annually publish the energy savings achieved by each party/subcategory and in total under the scheme. They may also adopt alternative policy measures that achieve equivalent energy savings performance. These must comply with specific requirements and notification must be sent to the EC (Article 7);
- may implement incentive and support schemes for making energy audits available (especially for small and medium-sized enterprises) and for facilitating the implementation of associated recommendations and measures (Article 8). All final customers can benefit from high-quality energy audits carried out in an independent and cost-effective manner by qualified experts or implemented and supervised by independent authorities. Enterprises other than SMEs must be subject to such audits by December 5, 2015, and at least every four years;
- must develop a comprehensive assessment of the potential for applying high-efficiency cogeneration and efficient district heating and cooling, including a cost-benefit analysis covering their territory based on climate change conditions, economic feasibility and technical suitability. On the basis of its results, they should adopt sound policies to be implemented at local and regional level (Article 14);
- must ensure that the principle of energy efficiency guides the decisions of national regulatory authorities regarding the design and operation of gas and



electricity infrastructure, in particular on incentives for grid operators that make available system services to network users for the implementation of energy efficiency improvement measures. By June 30, 2015, they should assess the energy efficiency potential of their gas and electricity infrastructure and determine concrete measures and investments to achieve it. Electricity produced from high-efficiency cogeneration in small-scale and micro-cogeneration units should be given priority in connecting to the grid system and demand-side resources should be encouraged (Article 15);

- must promote the energy services market and access to it by SMEs and strongly support its proper functioning, prevent activities and behaviour that impedes its development and improvement, remove regulatory and non-regulatory barriers and adopt other measures that promote energy efficiency (Articles 18–19);
- may establish a national energy efficiency fund as well as other financing facilities and technical support for energy efficiency improvement measures and initiatives (Article 20);
- must ensure that final customers for electricity, natural gas, district heating and cooling, and domestic hot water are provided with individual meters that indicate their actual energy consumption and specify actual time of use (Article 9); and
- must ensure that small energy consumers, including domestic customers, benefit from appropriate information and programmes that empower them to achieve efficient energy use (Article 12).

Public bodies are encouraged to adopt energy efficiency plans and implement them appropriately, as well as to purchase products, services and buildings with high energy efficiency performance following the example of their central government (Article 5.7–6).

Effective, proportionate and dissuasive penalties must be established for violations of national provisions implementing this directive.

Institutional scheme/ad hoc bodies

Energy auditors are experts qualified to carry out energy audits (Article 8).

The EC can adopt delegated acts in compliance with the relevant provisions and conditions prescribed in this directive (Articles 23–24).

A committee assists the EC in the development of its tasks.

Numerical/quantitative targets and other requirements

As of January 1, 2014, each year Member States must renovate 3 percent of the total floor area of heated and/or cooled buildings owned and occupied by its central government, giving priority to buildings with the poorest energy performance and providing exceptions for some categories of buildings. In case the 3 percent target is exceeded, the excess can be counted towards the annual renovation rate of any of the three previous or following years. New central government buildings replacing buildings demolished/sold/taken out of use in any of the two previous years can count towards the annual renovation rate. Member States may adopt an alternative approach to the renovation of central government buildings that achieve an equivalent improvement in energy performance (Article 5).

Deadlines

Member States must:

- transpose this directive into national law by June 5, 2014, bringing into force all the necessary laws, regulations and administrative provisions. Candidate countries must adopt and internalise this directive during their accession period/before becoming Member States;
- finalise an inventory (by December 31, 2013) of heated and/or cooled central government buildings with a total useful floor area of over 500 m² and, as of July 9, 2015, of over 250 m²;
- publish a building renovation strategy and submit it to the EC by April 30, 2014. This strategy must be updated every three years. By December 2014, Member States should ensure accurate billing information based on actual consumption for final customers that do not have smart meters. Customers could regularly read their own meters, or their billing would be based on estimated consumption (Article 10);
- submit their national energy efficiency action plan to the EC by April 30, 2014, and every three years thereafter. The EC evaluates those plans and the annual reports and determines the extent of progress towards achieving the national energy efficiency targets (Article 24);
- perform a cost-benefit analysis (Annex IX, Part 2) after June 5, 2014 (Article 14.5–6);





- supply certification and/or accreditation schemes and/or equivalent qualification schemes, including training programmes, to providers of energy services, energy audits, energy managers and installers of energy-related building elements by December 31, 2014, in order to improve the national level of technical competence, objectivity and reliability and contribute to national energy efficiency objectives (Article 16);
- assess the potential for applying high-efficiency cogeneration and efficient district heating and cooling and communicate the results to the EC by December 31, 2015;
- ensure the availability of individual consumption meters in multi-apartment and multi-purpose buildings with a central/district source of heating and/or cooling by December 31, 2016, in order

to evaluate the effective consumption of heat or cooling or hot water for each unit;

- present to the EC statistics on national electricity and heat production from high- and low-efficiency cogeneration before April 30 each year; and
- report on progress achieved towards national energy efficiency targets by April 30 each year.

By June 30, 2014, the EC will evaluate the progress of the EU towards achieving a maximum primary energy consumption of 1,483 Mtoe and/or maximum final energy consumption of 1,086 Mtoe in 2020 (Article 3).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2012L0027:20130701:EN:PDF>

1.17 AVIATION



Decision 2011/638/EU of 26 September 2011 on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators

General description

Since 2012, aviation activities have been included in the EU emissions trading scheme. The allocation of allowances free of charge to aircraft operators requires the adoption of benchmarks that should be established until 2020 according to this directive, although third-country measures adopted to reduce the climate change-related impacts of aviation may require successive changes.

Subject matter and main goal

This decision establishes the benchmark to be used for allocating free allowances in the trading period from 2012 and in the trading period from January 1, 2013, to December 31, 2020.

Basic principles, essential tools and implementing measures

Calculations of the number of free allowances allocated according to the benchmark established in this decision must be rounded down to the nearest allowance.

Numerical/quantitative targets and other requirements

The benchmark to be used for allocating free allowances in the trading period from 2012 should be 0.000679695907431681 allowances per tonne-kilometre.

The benchmark to be used for allocating free allowances in the trading period from January 1, 2013, to December 31, 2020, should be 0.000642186914222035 allowances per tonne-kilometre.

Deadlines

The trading periods considered are:

- from 2012; and
- from January 1, 2013, to December 31, 2020.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2011D0638:20111001:EN:PDF>

Regulation (EU) No. 394/2011 of 20 April 2011 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC

General description

Since 2012, aviation activities have been included in the EU scheme for GHG emissions allowance trading (EU ETS). In order to reduce the administrative burden on aircraft operators, the list compiled by the EC includes all relevant information used by Member States to regulate a particular aircraft operator. Aircraft operators are included in this list upon performance of an aviation activity respecting all conditions set out in EU law.

Subject matter and main goal

This regulation provides a list of aircraft operators that performed an aviation activity on or after January 1, 2006, and replaces the list provided by

Regulation (EC) No. 748/2009.

Basic principles, essential tools and implementing measures

The administering Member State is determined for each aircraft operator included in the list.

The aviation provisions of the EU ETS have been extended to European Economic Area-European Free Trade Association (EEA-EFTA) countries.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:107:0001:0125:EN:PDF>

Decision 2011/389/EU of 30 June 2011 on the Union-wide quantity of allowances for aircraft operators, establishing a scheme for greenhouse gas emission allowances trading within the Community

General description

Before the start of each trading period, the EC must determine arithmetically the quantities of aviation allowances to be created, auctioned, placed in the special reserve and allocated free of charge from the figure on historical aviation emissions set at 219,476,343 tonnes of CO₂.

Subject matter and main goal

This decision establishes the total quantities of aviation allowances to be created, auctioned, placed in the special reserve and allocated free of charge.

Numerical/quantitative targets and other requirements

The EU-wide total number of aviation allowances for each year of the trading period 2013 to 2020 is 208,502,526.

The EU-wide total number of aviation allowances to be allocated through auctioning for each year of the trading period 2013 to 2020 is 31,275,379.

The EU-wide total number of aviation allowances to be set aside in the special reserve is 50,040,608.

The EU-wide total number of aviation allowances to be allocated free of charge for each year of the trading period 2013 to 2020 is 170,972,071.

Deadlines

The relevant quantities of allowances established in this decision refer to the trading period from January 1, 2013, to December 31, 2020.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:173:0013:0013:EN:PDF>

Decision 2011/149/EU on historical aviation emissions

General description

The total quantity of allowances to be allocated to aircraft operators is defined as a percentage of historical aviation emissions. Historical aviation emissions are defined as the mean average of the annual emissions in the calendar years 2004, 2005 and 2006 from aircraft performing relevant aviation activities.

Subject matter and main goal

This decision establishes the value of historical aviation emissions to be used in relevant calculations.

Institutional scheme/ad hoc bodies

Eurocontrol provided the data for the calculation of aviation emissions.

Numerical/quantitative targets and other requirements

Historical aviation emissions correspond to 219,476,343 tonnes of CO₂.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:061:0042:0043:EN:PDF>

Decision 2009/450/EC of 8 June 2009 on the detailed interpretation of aviation activities

General description

Since 2012, aviation activities have been included in the EU emissions trading scheme (ETS). Clarifying the meaning of aviation activities and the scope of exemptions facilitates the correct implementation of EU aviation law in the context of the EU ETS.

Subject matter and main goal

This decision provides a detailed interpretation of the aviation activities listed in Annex I of Directive 2003/87/EC.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0069:0072:EN:PDF>



Regulation (EU) No. 114/2013 of 6 November 2012 on rules for the application for a derogation from the specific CO2 emissions targets for new light commercial vehicles

General description

Regulation (EU) No. 510/2011 establishes the emissions performance standards for new light vehicles and the specific emissions targets for manufacturers. However, small-volume manufacturers can apply for a derogation requesting alternative emissions reduction targets in line with their reduction potential.

Subject matter and main goal

This act specifies the information that small-volume manufacturers applying for a derogation must present to the EC.

Basic principles, essential tools and implementing measures

The information contained in the application should be publicly accessible, except in specific cases upon the request of the applicant (Article 7).

The small-volume manufacturer/applicant must submit an application (in printed and electronic form) for a derogation respecting the specific format (Annex I) and including all relevant information on eligibility criteria, average specific CO2 emissions, economic activities, technological potential to reduce its specific CO2 emissions etc. The applicant

must propose an alternative target and the programme for achieving it (Articles 4 and 5).

The conditions for applying for a derogation are considered to have been met if the EC does not object within nine months of the official receipt of the application. However, if the information is found to be incorrect or inaccurate, the derogation will be revoked.

In case of incomplete applications, the EC will request additional information within a specified term and will reject the application on the grounds of incompleteness if such information is not provided in time. The applicant will then submit a completed/ revised application for a derogation (Article 6).

Deadlines

The applicant's compliance with a specific emissions target or annual specific emissions targets must be assessed each year during the derogation period.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:038:0001:0010:EN:PDF>

Commission Implementing Regulation (EU) No. 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles

General description

According to Regulation (EU) No. 510/2011, each year Member States must collect and submit to the EC specific data relating to new commercial vehicles registered in their territory in the previous year. On the basis of these data, specific CO2 emissions targets for manufacturers of new light commercial vehicles will be determined and manufacturers' compliance with these targets will be assessed.

Subject matter and main goal

This act regulates the collection and reporting of data on the registration of specific vehicles (Article 1).

Basic principles, essential tools and implementing measures

Member States:

- must transmit aggregated and detailed monitoring data via electronic data transfer to the Central Data Repository and must notify the EC. These data are based on information from various sources (Article 4);
- are responsible for maintaining, collecting, controlling, verifying and transmitting aggregated and detailed monitoring data and reporting them as appropriate (Articles 5 and 6); and
- must report specifically about ethanol (E85) filling



stations and vehicles not covered by EC type-approval (Articles 7 and 8).

Manufacturers must provide information to the EC and national competent authorities (Articles 9 and 10).

Institutional scheme/ad hoc bodies

The Central Data Repository is managed by the

European Environment Agency and gathers all national aggregated and detailed monitoring data.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:098:0001:0006:EN:PDF>

Decision 2012/99/EU of 17 February 2012 on the detailed arrangements for the collection of premiums for excess CO2 emissions from new light commercial vehicles

General description

Manufacturers that fail to comply with specific emissions targets for new light commercial vehicles must pay an excess emissions premium.

Basic principles, essential tools and implementing measures

The EC is responsible for recovering the excess emissions premium, which is calculated according to specific formulae and which must be made pub-

lic, by establishing a recovery order and issuing a debit note directed to the manufacturer concerned.

Excess emissions premiums are considered as revenue for the budget of the EU and must be entered and booked in title 7 of the general budget.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:047:0069:0070:EN:PDF>

Regulation (EU) No. 725/2011 of 25 July 2011 on the procedure for the approval and certification of innovative technologies for reducing CO2 emissions from passenger cars

General description

Regulation (EC) No. 443/2009 allows manufacturers and suppliers to apply for the approval of innovating technologies that contribute to reducing CO2 emissions from passenger cars with a view to encouraging the development and use of new and advanced CO2 emissions-reducing vehicle technologies.

Subject matter and main goal

This act designs the procedure to be followed for applications for, and the assessment, approval and certification of, innovative technologies that reduce emissions of CO2 from passenger cars (Articles 1 and 2).

Basic principles, essential tools and implementing measures

EC type-approval certificates for vehicles fitted with

an eco-innovation can be requested by manufacturers in order to benefit from CO2 savings from an eco-innovation for the purposes of meeting their specific emissions target (Article 11).

Steps in the procedure:

- An application for the approval of an innovative technology as an eco-innovation must be submitted in writing to the EC by electronic mail or electronic data carrier or uploaded to an ad hoc server together with the necessary supporting documents (Article 4).
- The applicant designates an eco-innovation vehicle (fitted with the innovative technology) and a baseline vehicle (not fitted with the technology) that will be used in the demonstration of the CO2 emissions savings benefits of the innovative technology (Articles 5–8) by the use of an appropriate





testing methodology (Article 6).

- The verification report verifies the eligibility criteria (Article 9) and information submitted by the applicants, assesses if the testing methodology is appropriate and evaluates the compliance of the innovative technology with relevant requirements (Article 7).

The EC:

is responsible for assessing eco-innovation applications. The EC approves the innovative technology as an eco-innovation within nine months of receipt, or requires adjustments or an extension of the assessment period due to the complexity of the technology proposed (Article 10); reviews and verifies certifications and the CO2 sav-

ings attributed to individual vehicles. It also notifies manufacturers of any discrepancies, allowing them 60 days to provide appropriate evidence (Article 12).

Institutional scheme/ad hoc bodies

The verification reports are issued by independent and certified bodies.

Deadlines

This act, and the eco-innovations approved according to it, must be reviewed by December 31, 2015, at the latest.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:194:0019:0024:EN:PDF>

Regulation (EU) No. 510/2011 of 11 May 2011 setting emission performance standards for new light commercial vehicles

Amended by

Commission Delegated Regulation (EU) No. 205/2012

General description

The road transport sector is the second largest emitter of greenhouse gases in the EU and its emissions are expected to increase. The EU has developed an integrated approach to reducing emissions from this sector and pursues objectives concerning emissions from light-duty commercial vehicles that are consistent with those established for emissions from new passenger car fleets.

Subject matter and main goal

This act determines the CO2 emissions performance requirements for new light commercial vehicles (Article 2).

Basic principles, essential tools and implementing measures

For each calendar year, commencing in 2014, each manufacturer of light-duty commercial vehicles should ensure that its average specific CO2 emissions do not exceed its specific emissions target (Annex I), taking derogations into due consideration (Article 4).

Manufacturers that do not benefit from derogations (Article 11) can form a pool for meeting their obligations in relation to one or more calendar years (Article 7).

Excess emissions premiums are imposed on manufacturers or pool managers when the manufacturers' or pool's average specific CO2 emissions exceed the specific emissions target in that year. The method used to calculate excess emission premiums varies according to the year under consideration (Article 9).

Manufacturers responsible for a certain number of new light-duty commercial vehicles registered in the Community per calendar year can apply for a derogation from the specific emissions target. The derogation applies from January 1 of the year following the date on which it is granted and is valid for a maximum period of five years, but can be revoked (Article 11).

Institutional scheme/ad hoc bodies

Member States appoint national competent authorities to collect and communicate monitoring data in a transparent manner. These authorities are also responsible for data regarding new passenger cars.





The EC maintains a central register of national reported data (Article 8).

The Climate Change Committee assists the EC in performing its tasks according to this regulation.

Numerical/quantitative targets and other requirements

The average CO2 emissions for new light-duty commercial vehicles are set at 175 g CO2/km by means of technological improvements.

From 2020, the target for the average emissions from new light-duty commercial vehicles is set at 147 g CO2/km, unless not feasible.

The percentage of each manufacturer's new light-duty commercial vehicles registered in the relevant year (indicated below) helps to determine each manufacturer's average specific CO2 emissions:

- 70 percent in 2014
- 75 percent in 2015
- 80 percent in 2016
- 100 percent from 2017 onwards

When calculating average specific CO2 emissions (Article 5), each new light commercial vehicle with specific CO2 emissions lower than 50 g CO2/km, for a maximum of 25,000 light commercial vehicles per manufacturer, counts as:

- 3.5 light commercial vehicles in 2014
- 3.5 light commercial vehicles in 2015
- 2.5 light commercial vehicles in 2016
- 1.5 light commercial vehicles in 2017
- 1.0 light commercial vehicle from 2018

Specific CO2 emissions from light commercial vehicles running on alternative fuel will be reduced by 5 percent by December 31, 2015, when determining a manufacturer's compliance with its specific emissions target, but only if at least 30 percent of the filling stations in the relevant Member State provide this type of alternative fuel (Article 6).

The total contribution of CO2 savings achieved through the use of innovative technologies can be

up to 7 g CO2/km. Eco-innovation technologies are approved by the EC according to a specific procedure (Article 12).

Deadlines

The duration of an agreement to form a pool may not exceed five calendar years and must be entered into on or before December 31 of the first calendar year for which emissions are to be pooled (Article 7).

For each calendar year, commencing in 2012, Member States register information for each new light commercial vehicle registered in its territory. By February 28 of each year, commencing in 2013, they must collect and transmit to the EC relevant information with respect to the preceding calendar year (Article 8).

The EC:

- publishes a list showing the performance of each manufacturer, including its compliance with the specific emissions target, by October 31 each year (Article 10);
- may propose to include in this regulation other vehicle categories by 2014 (Article 13.2);
- must report by 2014 on the availability of data on vehicle footprint and payload and their use as utility parameters for calculating specific emissions targets, also submitting proposals to amend Annex I if needed (Article 13.3);
- must review procedures for measuring CO2 emissions to appropriately reflect the real CO2 emissions behaviour of light commercial vehicles, together with that of cars, and to include the approved innovative technologies by 2014 (Article 13.6)
- will amend Annex I by October 31, 2016, and every three years thereafter to adjust the figure M0 to the average mass of new light commercial vehicles in the previous three calendar years. These adjustments apply as of January 1, 2018, and every three years thereafter.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2011R0510:20120313:EN:PDF>

Regulation (EU) No. 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from specific CO₂ emission targets

General description

Small-volume and niche manufacturers can apply for alternative emissions reduction targets relating to the reduction potential of a certain vehicle and consistent with the characteristics of the market for the types of cars concerned.

Subject matter and main goal

This act indicates the information that manufacturers have to provide in order to prove compliance with the conditions of a derogation from a specific emissions target according to Article 11(1) or (4) of Regulation (EC) No. 443/2009.

Basic principles, essential tools and implementing measures

Application procedure:

- The manufacturer submits an application according to the specific format and including all relevant information on eligibility criteria, specific emissions targets, reduction potential etc. (Articles 3–5).

- The conditions for applying for a derogation are considered to have been met if the EC does not object within nine months of the official receipt of the application. However, if the information is found to be incorrect or inaccurate, the derogation will be revoked.
- In case of incomplete applications, the EC requests additional information within a specified term and rejects the application on the grounds of incompleteness if such information is not provided in time. The applicant must then submit a completed/ revised application for a derogation (Article 7)

The information contained in the application should be publicly accessible, except in specific cases at the request of the applicant (Article 8).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:023:0016:0028:EN:PDF>

Regulation (EU) No. 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars

Amended by

- Commission Implementing Regulation (EU) No 429/2012
- Commission Implementing Regulation (EU) No 396/2013

General description

Regulation (EU) No. 443/2009 requires Member States to annually collect and submit specific data about new passenger cars registered in their territory in the previous year. Since the determination of, and assessment of compliance with, specific CO₂ emissions targets for manufacturers of new passenger cars are based on these data, their collection and submission should be harmonised according to precise provisions.

Subject matter and main goal

This act lays down provisions aimed at harmonising the monitoring and reporting of data on the registration of new passenger cars.

Basic principles, essential tools and implementing measures

Member States:

- must transmit aggregated and detailed monitoring data, based on information contained in the certificate of conformity of the relevant passenger car or type-approval documentation (Article 3), via electronic data transfer;
- are responsible for:
 - maintaining, controlling and preparing data (Articles 4 and 5);
 - providing information on the proportion of filling stations supplying ethanol fuel in their territory electronically (Article 6); and
 - providing information on the number of passenger cars subject to national type-approval for small series and registered in their territory (Article 7).

Based on the information provided by each (new) manufacturer, the EC creates a list and updates it



at regular intervals (Article 8). Manufacturers also provide additional information in specific circumstances (on receipt of a request, in the case of forming a pool, or to communicate changes or errors) (Article 9).

Institutional scheme/ad hoc bodies

The Central Data Repository collects all monitoring data transmitted by Member States.

Deadlines

Information on the proportion of filling stations supplying ethanol fuel in a Member State's territory must be provided by February 28 every year.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2010R1014:20130508:EN:PDF>

Regulation (EC) No. 443/2009 of 23 April 2009 setting emission performance standards for new passenger cars

Amended by

Commission Regulation (EU) No. 397/2013

Repealing

Decision No. 1753/2000/EC

General description

The road transport sector is the second largest emitter of greenhouse gases (GHG) in the EU, thus Member States need to significantly reduce emissions from passenger cars. The EU has developed an integrated approach to reducing CO2 emissions from light-duty vehicles.

Subject matter and main goal

This regulation establishes CO2 emission performance standards for new passenger cars (Article 2) registered in the EU to ensure the proper functioning of the internal market and to contribute to achieving GHG emissions reductions. It also aims to create incentives for the car industry to invest in new technologies.

Basic principles, essential tools and implementing measures

Manufacturers of passenger cars:

- must ensure that their average specific CO2 emissions do not exceed their specific emissions targets for each calendar year (Article 4);
- may, if they do not benefit from derogations (Article 11), form a pool for meeting their obligation in relation to one or more calendar years (Article 7);
- may, if they are responsible for a certain number of new cars registered in the Community per calendar year, apply for a derogation from the specific emissions target. The derogation applies from

January 1 of the year following the date on which it is granted and is valid for a maximum period of five years, but can be revoked (Article 11).

Excess emissions premiums are imposed on manufacturers or pool managers when the manufacturer's or pool's average specific CO2 emissions exceed its specific emissions target in that year. The method used to calculate the excess emissions premium varies according to the year under consideration (Article 9).

Institutional scheme/ad hoc bodies

A pool manager must be designated in relation to each existing pool (Article 7).

Member States select national competent authorities for collecting and communicating monitoring data in a transparent manner.

The EC must maintain a central register of national reported data (Article 8).

The Climate Change Committee assists the EC in performing its tasks according to this regulation.

Numerical/quantitative targets and other requirements

The overall EU objective corresponds to average emissions from the new car fleet of 120 g CO2/km.

The average CO2 emissions from new passenger cars correspond to 130 g CO2/km.

From 2020 onwards, the average emissions target for the new car fleet is 95 g CO2/km.





The percentage of each manufacturer's new passenger cars registered in the relevant year (indicated below) helps to determine each manufacturer's average specific CO₂ emissions:

- 65 percent in 2012
- 75 percent in 2013
- 80 percent in 2014
- 100 percent from 2015 onwards

When calculating average specific CO₂ emissions, each new passenger car with CO₂ specific emissions lower than 50 g CO₂/km counts as:

- 3.5 cars in 2012
- 3.5 cars in 2013
- 2.5 cars in 2014
- 1.5 cars in 2015
- 1 car from 2016

Specific CO₂ emissions from vehicles running on alternative fuels will be reduced by 5 percent until December 31, 2015, when determining compliance by a manufacturer with its specific emissions target, but only if at least 30 percent of the filling stations in the relevant Member State provide this type of alternative fuel (Article 6).

The total contribution of CO₂ savings achieved through the use of innovative technologies can be up to 7 g CO₂/km. Eco-innovation technologies are approved by the EC according to a specific procedure (Article 12).

Deadlines

The duration of an agreement to form a pool cannot exceed five calendar years and must be entered into on or before December 31 of the first calendar

year for which emissions are to be pooled (Article 7).

For each calendar year, commencing in 2010, Member States register information for each new passenger car registered in their territory. By February 28 of each year, commencing in 2011, they must collect and transmit to the EC relevant information with respect to the preceding calendar year (Article 8).

The EC:

- must review the procedures for measuring CO₂ emissions and must make proposals to adapt these procedures in order to appropriately reflect the real CO₂ emissions behaviour of cars and to include the approved innovative technologies by 2014 (Article 13.3);
- must perform an impact assessment and publish a report on the availability of data on a vehicle's footprint by 2014 and use it as a utility parameter for determining emissions targets and amending Annex I as appropriate; and
- publishes a list showing the performance of each manufacturer by October 31 each year, including its compliance with the specific emissions targets (Article 10).

By October 31, 2014, and every three years thereafter, the figure M₀, included in Annex I, should be adjusted to the average mass of new passenger cars in the previous three calendar years. The relevant measures will take effect on January 1, 2016, and every three years thereafter.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0443:20130508:EN:PDF>

Directive 1999/94/EC of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars

Amended by

- Commission Directive 2003/73/EC
- Regulation (EC) No. 1882/2003
- Regulation (EC) No. 1137/2008

General description

Since the transport sector significantly contributes

to emissions of greenhouse gases, the EU has developed an integrated strategy aimed at reducing CO₂ emissions from passenger cars and improving fuel economy. In this context, the availability of transparent and clear information is fundamental to ensure the operation of market forces, to facilitate consumers' choices in favour of cars with low emis-





sions performance, and encouraging manufacturers to reduce the fuel consumption of the cars that they produce.

Subject matter and main goal

This directive promotes the availability of information relating to the fuel economy and CO2 emissions of new passenger cars on sale or for lease in the EU in order to enable consumers to make an informed choice.

Basic principles, essential tools and implementing measures

A label indicating fuel economy and CO2 emissions (Annex I) must be visibly displayed near each new passenger car model at the point of sale.

A national guide on fuel economy and CO2 emissions (Annex II) must be annually produced in consultation with manufacturers and must be available free of charge to consumers (Article 4).

A poster/display including a list of the official fuel consumption data and the official specific CO2 emissions data for all new passenger car models on sale or for lease for each car brand (Annex III) must be shown at the point of sale.

Available promotional literature and materials must indicate the official specific CO2 emissions data for the relevant passenger car models (Annex IV).

It is prohibited to include any mark, symbol or inscription relating to fuel consumption or specific CO2 emissions in this information material if it does not comply with this act and if it is likely to confuse potential consumers when making their choice (Article 7).

Effective, proportionate and dissuasive penalties must be established for contravening national rules implementing this directive.

Institutional scheme/ad hoc bodies

A national body or bodies must be designated for the implementation and functioning of the consumer information scheme prescribed in this directive.

The Climate Change Committee assists the EC in performing its tasks.

Deadlines

Member States had to transpose this directive into national law by January 18, 2001. Candidate countries must adopt and internalise this directive during their accession period/before becoming Member States.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1999L0094:20081211:EN:PDF>



Regulation (EC) No. 308/2008 of 2 April 2008 establishing the format for notification of the training and certification programmes of the Member States

General description

The EC adopted minimum requirements and conditions for the mutual recognition of the certification and training attestations of companies and personnel. Notification of such certification and attestations must be provided according to a specific format and must include detailed information.

Subject matter and main goal

This regulation prescribes the notification formats and essential information to be included in the certification and attestations granted to personnel

and companies performing specific activities (such as leakage checking; installation, maintenance and servicing; and the recovery of F-gases from different equipment and systems) in order to facilitate the authentication of a certificate or attestation complying with the minimum requirements and conditions for mutual recognition.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0028:0034:EN:PDF>

Regulation (EC) No. 307/2008 of 2 April 2008 establishing minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases

General description

Directive 2006/40/EC regulates emissions from air-conditioning systems in motor vehicles and prescribes the introduction of air-conditioning systems with low global warming potential as of 2011. Personnel recovering fluorinated greenhouse gases (F-gases) from such systems must possess the appropriate qualification.

Subject matter and main goal

This act foresees minimum requirements for training programmes for personnel recovering certain F-gases from air-conditioning systems and the conditions for the mutual recognition of training attestations (Article 1).

Basic principles, essential tools and implementing measures

Personnel performing the recovery of certain F-gases must hold a training attestation, with the exception of personnel enrolled in a training course

for obtaining such an attestation, and with other specific exceptions (Article 2). The attestation is obtained by completing a training course covering relevant minimum skills and knowledge (Article 3).

Member States shall mutually recognise personnel training attestations issued in other Member States according to this regulation and can require their translation (Article 13).

Institutional scheme/ad hoc bodies

Member States must designate the attestation body that issues a training attestation to personnel who have completed a training course on the recovery of certain F-gases from air-conditioning systems (Article 3).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0025:0027:EN:PDF>

Regulation (EC) No. 306/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment

General description

Regulation (EC) No. 842/2006 sets out the regime for containing, preventing and reducing emissions of certain fluorinated greenhouse gases (F-gases). In particular, it demands that personnel and companies carrying out specific activities concerning the operation of the equipment meet minimum requirements.

Subject matter and main goal

This act establishes minimum requirements and the conditions for mutual recognition in respect of certifications for personnel recovering certain F-gases from equipment (Article 1).

Basic principles, essential tools and implementing measures

Personnel performing the recovery of certain F-gases must hold a certificate, with the exception of those enrolled in a training course for obtaining a certificate and with other limited exceptions (Article 2). The certificate is obtained by passing a theoretical and practical examination covering minimum skills and knowledge (Article 3).

Member States not using F-gases can decide not to designate a certification or evaluation body, or both, before the need for such certification arises. In this case, the Member State must provide arrangements to ensure the issuance of such certificates

without undue delay in the event that they would be requested in the future (Article 6).

Member States shall mutually recognise personnel training attestations issued in other Member States according to this regulation and can require their translation (Article 13).

Institutional scheme/ad hoc bodies

Member States designate:

- the certification body: an independent and impartial entity that issues certificates to personnel involved in the recovery of certain F-gases from equipment. It establishes and follows procedures for issuing, suspending and withdrawing certificates, and maintains records to verify the status of certified persons for a minimum of five years (Article 4);
- the evaluation body: an independent and impartial entity that organises examinations for personnel and ensures the examiners assigned to a test have due knowledge of the relevant methods and documents, and appropriate competence in the field. It adopts reporting procedures and maintains records of the individual and overall results of the evaluations (Article 5).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008R0306:20080423:EN:PDF>

Regulation (EC) No. 305/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear

General description

Regulation (EC) No. 842/2006 sets out the regime for containing, preventing and reducing emissions of certain fluorinated greenhouse gases (F-gases). In particular, it demands that personnel and companies carrying out specific activities concerning the operation of the equipment meet minimum requirements.

Subject matter and main goal

This act establishes minimum requirements and the

conditions for mutual recognition in respect of certifications for personnel recovering certain F-gases from high-voltage switchgear (Article 1).

Basic principles, essential tools and implementing measures

Personnel performing the recovery must hold a certificate, with the exception of personnel enrolled in a training course for obtaining a certificate and with other limited exceptions (Article 3). A certificate is obtained by passing a theoretical and practical





examination covering minimum skills and knowledge (Article 4).

Member States shall mutually recognise personnel training attestations issued in other Member States according to this regulation and can require their translation (Article 13).

Institutional scheme/ad hoc bodies

Member States designate:

- the certification body: an independent and impartial entity that issues certificates to personnel in the recovery of certain F-gases from high-voltage switchgear. It establishes and follows procedures for issuing, suspending and withdrawing certificates, and maintains records to verify the status

of certified persons for a minimum of five years (Article 5); and

- the evaluation body: an independent and impartial entity that organises examinations for the personnel and ensures the examiners assigned to a test have due knowledge of the relevant methods and documents, and appropriate competence in the field. It adopts reporting procedures and maintains records of the individual and overall results of the evaluation (Article 6).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0017:0020:EN:PDF>

Regulation (EC) No. 304/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases

General description

Regulation (EC) No. 842/2006 sets out the regime for containing, preventing and reducing emissions of certain fluorinated greenhouse gases (F-gases). In particular, it demands that personnel and companies carrying out specific activities concerning the operation of the equipment meet minimum requirements.

Subject matter and main goal

This act prescribes minimum requirements and the conditions for mutual recognition in respect of certifications for companies and personnel involved in activities related to stationary fire protection systems and fire extinguishers containing certain F-gases (Articles 1 and 2).

Basic principles, essential tools and implementing measures

Personnel performing an activity covered by this regulation must hold a certificate, with some limited exceptions (Article 4). The certificate is obtained by passing a theoretical and practical examination covering minimum skills and knowledge (Article 5). In order to obtain a certificate, companies have to meet specific requirements (Articles 7 and 8) relevant to the activities they perform.

Member States shall mutually recognise companies' certificates issued in other Member States according to this regulation and can require their translation (Article 13).

Institutional scheme/ad hoc bodies

Member States designate:

- the certification body: an independent and impartial entity that issues certificates to personnel and companies involved in one of the activities specified in this regulation. It establishes and follows procedures for issuing, suspending and withdrawing certificates, and maintains records to verify the status of certified persons and companies for a minimum of five years (Article 10); and
- the evaluation body: an independent and impartial entity that organises examinations for personnel and ensures the examiners assigned to a test have due knowledge of the relevant methods and documents, and appropriate competence in the field. It adopts reporting procedures and maintains records of the individual and overall results of the evaluations (Article 11).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0012:0016:EN:PDF>

Regulation (EC) No. 303/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases

General description

Regulation (EC) No. 842/2006 sets out the regime for containing, preventing and reducing emissions of certain fluorinated greenhouse gases (F-gases). In particular, it demands that personnel and companies carrying out specific activities concerning the operation of the equipment meet minimum requirements.

Subject matter and main goal

This act prescribes minimum requirements and the conditions for mutual recognition in respect of certifications for companies and personnel involved in activities related to stationary refrigeration, air conditioning and heat pump equipment containing certain F-gases (Articles 1 and 2).

Basic principles, essential tools and implementing measures

Personnel performing an activity covered by this regulation must hold a certificate, with some limited exceptions (Article 4). The certificate is obtained by passing a theoretical and practical examination covering minimum skills and knowledge (Article 5).

In order to obtain a certificate, companies must meet specific requirements (Articles 7 and 8) relevant to the activities they perform.

Member States shall mutually recognise personnel and companies' training attestations issued in other Member States according to this regulation and can require their translation (Article 13).

Institutional scheme/ad hoc bodies

Member States designate:

- the certification body: an independent and impartial entity that issues certificates to personnel and companies involved in one of the activities specified in this regulation. It establishes and follows procedures for issuing, suspending and withdrawing certificates, and maintains records to verify the status of certified persons and companies for a minimum of five years (Article 10); and
- the evaluation body: an independent and impartial entity that organises examinations for personnel and ensures the examiners assigned to a test have due knowledge of the relevant methods and documents, and appropriate competence in the field. It adopts reporting procedures and maintains records of the individual and overall results of the evaluations (Article 11).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0003:0011:EN:PDF>

Regulation (EC) No. 1516/2007 of 19 December 2007 establishing standard leakage checking requirements for stationary refrigeration, air-conditioning and heat pump equipment containing certain fluorinated greenhouse gases

General description

Refrigeration, air conditioning and heat pump equipment needs to be regularly checked for leakages.

Subject matter and main goal

This act prescribes the standard leakage checking requirements for refrigeration, air conditioning and heat pump equipment that is working or temporarily out of operation, and that contains 3 kg or more of F-gases (Article 1).

Basic principles, essential tools and implementing measures

The equipment records contain certain information on the relevant equipment, including information on the F-gas charge and the cause of identified leakages (Article 2).

Systematic leakage checks should focus on certain parts of the equipment (Article 4).

Both direct and indirect measuring methods can be used to carry out leakage checks (Articles 5 to 7).





Institutional scheme/ad hoc bodies

Certified personnel:

- carry out systematic leakage checks after analysing the information contained in the system records (Article 3). They also repair leakages after performing a pump-down or recovery if needed (Article 8);
- must focus, in the case of follow-up checks, on those areas affected by the leakage as well as on adjacent areas (Article 9);

- must check newly installed systems for leakages as soon as they start operating in order to ensure that they have been properly installed.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:335:0010:0012:EN:PDF>

Regulation (EC) No. 1497/2007 of 18 December 2007 establishing standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases

General description

Fire protection systems must be regularly checked for leakages.

Subject matter and main goal

This act prescribes the standard leakage checking requirements for fire protection systems that are working or temporarily out of operation and that contain 3 kg or more of F-gases (Article 1).

Basic principles, essential tools and implementing measures

The system records contain certain information on the fire protection systems, including information on the F-gas charge (Article 2).

The leakage checks must focus on those parts of the fire protection system that are most likely to leak.

Where there is a presumption of leakage, the system should be checked and the leakage repaired as soon as possible (Article 4).

Institutional scheme/ad hoc bodies

Certified personnel:

- carry out visual and manual leakage checks after analysing the information contained in the system records (Articles 3 and 4). They also repair leakages or provide for a replacement (Article 5);
- must focus, in the case of follow-up checks, on those areas affected by the leakage as well as on adjacent areas (Article 6); and
- must check newly installed systems for leakages as soon as they start operating in order to ensure that they have been properly installed.
-
- Deadlines
-
- The leakage check frequency for pressure gauges and weight-monitoring devices is every 12 months.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:333:0004:0005:EN:PDF>

Regulation (EC) No. 1494/2007 of 17 December 2007 establishing the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases

General description

Dangerous substances and preparations, as well as specific products and equipment containing F-gases, may not be placed on the market unless appropriately labelled, including relevant environmental information.

Subject matter and main goal

This act determines the form of the labels and the additional labelling requirements for specific types of products and equipment.





Basic principles, essential tools and implementing measures

To ensure clarity, the information indicated on the labels must follow an exact wording and include all relevant details and additional environmental information (Article 2).

Member States may decide to use their official languages for labelling products to be put on the market on their territory.

The label must be clearly legible, placed in a visible position and remain securely in place on the product/equipment (Articles 3 and 4).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0025:0026:EN:PDF>

Regulation (EC) No. 1493/2007 of 17 December 2007 establishing the format for the report to be submitted by producers, importers and exporters of certain fluorinated greenhouse gases

General description

Regulation (EC) No. 842/2006 on fluorinated greenhouse gases (F-gases) foresees annual reporting obligations for producers, importers and exporters of F-gases.

Subject matter and main goal

This regulation establishes the format of the report used by producers, importers and exporters of F-gases to communicate relevant information to the EC and to the competent authorities of Member States concerned.

Basic principles, essential tools and implementing measures

Importers and producers must submit data that include estimates of quantities of F-gases expected

to be used in the main applications and as feedstock.

In the case of F-gases traded for commercial reasons, purchasing producers must report on quantities of F-gases expected to be used in the main applications.

Relevant stakeholders were consulted on the format of the report, on the basis of their reporting experience.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0007:0024:EN:PDF>

Regulation (EC) No. 706/2007 of 21 June 2007 laying down administrative provisions for the EC type-approval of vehicles, and a harmonised test for measuring leakages from certain air-conditioning systems

General description

Directive 2006/40/EC sets out type-approval requirements for vehicles fitted with air-conditioning systems containing fluorinated greenhouse gases (F-gases) with global warming potential (GWP) higher than 150 and prohibits the placing on the market of new vehicles with such systems from a certain date. It also establishes limit standards for leakage rates from such systems and a harmonised leakage detection test.

Subject matter and main goal

This act regulates EC type-approval and designs a harmonised leakage detection test.

Basic principles, essential tools and implementing measures

An EC component type-approval must be granted to a type of leak component or a type of air-conditioning system if it complies with this regulation.





A component type-approval number is issued in the case of each type-approval granted (Article 4.3 and Article 6.3).

Manufacturers, or their representatives, apply for the EC component type-approval (Article 4, Annex I, Part 1) and for EC type-approval for vehicles in respect of emissions from air-conditioning systems (Article 6, Annex I, Part 4).

Every leak component or air-conditioning system that is granted EC component type-approval must bear an EC component type-approval mark (Annex I, Part 3) (Article 5).

The harmonised leakage detection test aims to determine whether the maximum permissible leakage limits have been exceeded (Annex II).

Institutional scheme/ad hoc bodies

Member States designate type-approval authorities that grant type-approval certificates (Annex I, Part 2 and Annex I, Part 5).

A technical service carries out the type-approval tests.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:161:0033:0052:EN:PDF>

Regulation (EC) No. 842/2006 of 17 May 2006 on certain fluorinated greenhouse gases

Amended by

Regulation (EC) No. 1137/2008

General description

Fluorinated greenhouse gases (F-gases) have high global warming potential, thus it is necessary to prevent and minimise emissions deriving from these gases.

Subject matter and main goal

This regulation sets out multiple measures aimed at containing, preventing and reducing emissions of F-gases covered by the Kyoto Protocol (Article 1).

Basic principles, essential tools and implementing measures

Principles:

It is prohibited to place on the market products and equipment containing or relying on F-gases (Annex II), with some exceptions (Article 9).

Dangerous substances and preparations, as well as specific products and equipment containing F-gases, cannot be placed on the market unless appropriately labelled (Article 7).

This regulation must be reviewed and adapted in conformity with technical progress in the potential containment or replacement of F-gases, and on the basis of the experience of its application.

Tools and measures:

Member States:

- must design or adapt their national training and certification requirements to those established by the EC, mutually recognise one another's certificates and ensure the freedom to provide certification services (Article 5);
- should encourage the placing on the market of efficient and innovative products and equipment that use alternatives to gases with high global warming potential and that contribute to reducing climate impacts (Article 11); and
- can maintain or introduce more stringent protective measures.

Leakages of F-gases should be prevented or repaired as soon as detected in refrigeration, air-conditioning and heat-pump equipment, and fire protection systems. The EC sets standard leakage checking requirements (Article 3).

F-gases must be recovered for recycling, reclamation or destruction before the final disposal of the relevant equipment or during its servicing and maintenance. Users must provide for the proper recovery of any residual gases contained in refillable or non-refillable F-gas containers that have reached the end of their life (Article 4).





Effective, proportionate and dissuasive penalties must be established for contravening the provisions of this act, and its implementation must be ensured by appropriate measures.

Institutional scheme/ad hoc bodies

Operators of applications (refrigeration, air-conditioning and heat-pump equipment, and fire protection systems) are responsible for:

- having their applications checked for leakages by certified personnel according to a specific schedule;
- installing leakage detection systems in applications containing 300 kg or more of F-gases, and checking them at least every 12 months (or every six months if a properly functioning leakage detection system is in place);
- maintaining records of the quantities and types of F-gases added/recovered during the servicing, maintenance and final disposal of applications containing 3 kg or more of F-gases, and of other relevant information (Article 3.6);
- ensuring the proper recovery of F-gases in specific types of stationary equipment (Article 4.1); and
- guaranteeing that the relevant personnel are qualified for their tasks.

Companies and personnel involved in the installation, maintenance and servicing of the relevant equipment and systems must comply with EU training and certification requirements (Article 5). Certified personnel must carry out the containment and recovery of F-gases.

National competent authorities are designated by Member States to perform the specific tasks prescribed in this regulation.

A committee assists the EC in performing its tasks.

Reporting systems must be established at national level for obtaining emissions data.

Deadlines

Leakages must be checked for by certified personnel according to a specific schedule:

- applications containing 3 kg or more of F-gases should be checked at least once every 12 months, with due exceptions;
- applications containing 30 kg or more of F-gases should be checked at least once every 6 months; and
- applications containing 300 kg or more of F-gases should be checked at least once every 3 months.

When a leakage has been repaired, the application concerned must be checked within one month.

By March 31 each year, commencing in 2008, each producer, importer and exporter of F-gases must report in the appropriate format to the EC and the competent authority of the Member State concerned all relevant data concerning the preceding calendar year (Article 6).

From January 1, 2008, the use of sulphur hexafluoride or preparations thereof in magnesium die-casting is prohibited if it exceeds 850 kg per year (Article 8.1).

From July 4, 2007, the use of sulphur hexafluoride or preparations thereof for filling vehicle tyres is prohibited.

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R0842:20081211:EN:PDF>

Directive 2006/40/EC of 17 May 2006 relating to emissions from air-conditioning systems in motor vehicles

General description

In the context of the free movement of goods, persons, services and capital within the EU internal market, and the EU's commitment to reducing emissions of greenhouse gases, it is essential to control the leakage of specific fluorinated greenhouse gases (F-gases) in air-conditioning systems fitted in

vehicles by harmonising the technical requirements for their placement on the market, and to prohibit those systems with high global warming potential (GWP) from a certain date.

Subject matter and main goal

This act establishes the requirements for EC/





national type-approval of vehicles as regards emissions from air-conditioning systems fitted to vehicles and their safe functioning. It also deals with retrofitting and refilling such systems (Articles 1 and 2).

Basic principles, essential tools and implementing measures

EC/national type-approval, with regard to emissions from air-conditioning systems, may be granted only to vehicle types complying with the requirements of this directive on the basis of relevant information supplied by the manufacturers (Article 4).

This directive must be reviewed, extended and adapted as appropriate on the basis of progress in the potential containment of emissions from, or the replacement of F-gases in, air-conditioning systems fitted to motor vehicles (Article 8).

Deadlines

Member States had to transpose this directive into their national law by January 4, 2008, adopting the laws, regulations and administrative provisions needed for compliance. Candidate countries must adopt and internalise this directive during their accession period/before becoming Member States.

From January 1, 2011, EC/national type-approval may not be granted for vehicles fitted with air-conditioning systems designed to contain F-gases with GWP higher than 150 (Article 5.4).

Retrofitting:

- From January 1, 2011, air-conditioning systems designed to contain F-gases with a GWP higher

than 150 may not be retrofitted to vehicles type-approved from that date. The prohibition on retrofitting this type of air-conditioning systems applies to all vehicles from January 1, 2017 onwards (Article 6.1).

- From January 1, 2008, certificates of conformity in respect of new vehicles fitted with air-conditioning systems designed to contain F-gases with a GWP higher than 150 are no longer valid, the registration of these vehicles must be refused and their sale and entry into service prohibited, unless the leakage rate from the system does not exceed 40 grams of F-gases per year for a single evaporator system or 60 grams of F-gases per year for a dual evaporator system (Article 5.3).
- From January 1, 2017, certificates of conformity in respect of new vehicles fitted with air-conditioning systems designed to contain F-gases with a GWP higher than 150 are no longer valid, the registration of these vehicles must be refused and their sale and entry into service prohibited (Article 5.5).

Air-conditioning systems fitted to vehicles type-approved on or after January 1, 2011, may not be filled with F-gases with a GWP higher than 150. The prohibition on refilling such air-conditioning systems applies to any vehicle from January 1, 2017, onwards (Article 6.2).

Link to the original text of the legislative act

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:161:0012:0018:EN:PDF>

2 LIST OF LEGISLATIVE PROSPOSALS GROUPED BY SECTOR

2.1 EU EMISSIONS TRADING SCHEME (EU ETS)

- Draft regulation on determining international credit entitlements pursuant to Directive 2003/87/EC of the European Parliament and of the Council (2013): This act regulates the calculation and use of international credits allocated to each (aircraft) operator.
- Proposal for a decision of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (COM [2014] 20 final of 22 January 2014): This decision establishes a market stability reserve to counteract the effects of the growing surplus due to the imbalance between the supply of and demand for allowances and to make the ETS more flexible and resilient to future challenges.
- Proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (COM [2013] 722 final of 16 October 2013): This act proposes amendments to the aviation activities included in the EU ETS in order to facilitate the application of a single global market-based measure (MBM) to international aviation emissions from 2020 onwards.

2.2 AUCTIONING

- Proposal for a decision of the European Parliament and of the Council amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances (COM [2012] 416 final of 25 July 2012): To ensure legal certainty and the appropriate functioning of the market, this decision would clarify that the EC is able to adapt the auction timetable established in Commission Regulation No. 1031/2010.

2.3 FREE ALLOCATION

- Commission decision concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (Draft of 5 September 2013): This act allows Member States to modify the preliminary total annual amount of emission allowances allocated free of charge to the installations covered by the ad hoc list.
- Commission decision on the standard capacity utilisation factor pursuant to Article 18(2) of Decision 2011/278/EU (Draft of 5 September 2013): This decision establishes the standard capacity utilisation factor useful for determining the product-related activity level of specific installations.

2.1 RENEWABLE ENERGY SOURCES

- Proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renew-

able sources (COM [2012] 595 final of 17 October 2012): This act supports the transition to biofuels that ensure significant greenhouse gas savings, also considering the reported indirect land-use change emissions.

2.1 ROAD TRANSPORT

- Proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No. 510/2011 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new light commercial vehicles (COM [2012] 394 final of 11 July 2012): This act specifies the modalities for reaching the 2020 target foreseen in Regulation (EU) No. 510/2011.

- Proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No. 443/2009 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars (COM [2012] 393 final of 11 July 2012): This act specifies the modalities for reaching the 2020 target foreseen in Regulation (EU) No. 443/2009.

2.1 F-GASES

- Proposal for a regulation of the European Parliament and of the Council on fluorinated greenhouse gases (COM [2012] 643 final of 7 November 2012): This act aims to strengthen the implementation and enforcement of existing

legislation in this sector; extends containment measures; introduces quantitative limits on some substances; and foresees additional measures to avoid the use of F-gases.

3 BRIEF INTRODUCTION TO MAIN STRATEGIC DOCUMENTS

- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: A roadmap for moving to a competitive low-carbon economy in 2050
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: A policy framework for climate and energy in the period from 2020 to 2030
- COMMUNICATION FROM THE COMMISSION: Delivering the internal electricity market and making the most of public intervention

3.1 A ROADMAP FOR MOVING TO A COMPETITIVE LOW-CARBON ECONOMY IN 2050 - COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

1) EUROPE'S KEY CHALLENGES

This roadmap defines the EU's long-term strategy for addressing climate-related challenges and becoming a competitive low-carbon economy by 2050 as a follow-up to the Europe 2020 Strategy for smart, sustainable and inclusive growth, as well as to the 2020 Climate and Energy Package. It fixes a final objective of reducing GHG emissions by between 80 and 95 percent compared to 1990 and outlines periodical milestones.

2) MILESTONES TO 2050

The EC analysed how the transition towards a competitive low-carbon economy could be achieved and concluded that domestic emissions reductions should correspond to 40 percent and 60 percent below 1990 levels by 2030 and 2040, with an annual reduction of about 1 percent in the first decade until 2020; 1.5 percent from 2020 to 2030; and 2 percent until 2050. The availability of new cost-effective

technologies and the adoption of additional policies in multiple sectors would facilitate the achievement of these objectives. Due to its positive performance, the EU could outperform the current 20 percent emissions reduction target and achieve a 25 percent cut by 2020.

3) LOW-CARBON INNOVATION: A SECTORAL PERSPECTIVE

The EC has looked at policy options in different sectors that could significantly contribute to GHG reductions and that would play a central role in the low-carbon economy:

- The power sector could almost totally eliminate CO₂ emissions by 2050, and fossil fuels could be replaced in transport and heating. The share of low-carbon technologies in the electricity mix could increase to 60 percent in 2020; 75 to 80 percent in 2030; and almost 100 percent in 2050. Improvements in efficiency and the use of renew-

able energy would be essential to reach these results.

- Sustainable mobility could be facilitated by technological innovation applied to vehicle and fuel efficiency; the electrification of transportation; and the creation of pricing schemes.
- The improved energy performance of buildings could lead to emissions reductions of around 90 percent by 2050 in this sector. Buildings constructed from 2021 onwards would have to be intelligent low-energy or nearly zero-energy buildings. The introduction of energy efficiency standards in public procurement for relevant public buildings and services, and the sound refurbishment of existing buildings, would also play a key role.
- The application of more advanced resource- and energy-efficient industrial processes and equipment could contribute to GHG emissions reductions of 83 to 87 percent by 2050 in the industrial sector. The deployment of carbon capture and storage processes would be strengthened after 2035.
- By 2050, emissions from the agricultural sector are expected to be a third of total EU emissions and non-CO₂ emissions reductions should be between 42 and 47 percent compared to 1990 levels. A strong focus should be placed on the adoption of sustainable agricultural and forestry practices to increase the capacity of soil and forests for preserving and sequestering carbon. Attention should be given to global food security and issues related to land use, land-use change and forestry (LULUCF).

4) INVESTING IN A LOW-CARBON FUTURE

The adoption of such policy measures and strategies requires additional public and private investment of around 1.5 percent of EU GDP per annum over the next 40 years (corresponding to around EUR 270

billion annually). Investing in a low-carbon economy would bring multiple benefits. Counting on energy efficiency and switching to domestically produced low-carbon (renewable) energy sources would reduce the EU's average fuel costs by between EUR 175 billion and EUR 320 billion per year. In 2050, it is estimated that the EU's total primary energy consumption will be almost 30 percent below 2005 levels, with a consistent decline in imports of oil and gas. This shift would entail a gradual structural change in the economy and the creation of new jobs (up to 1.5 million by 2020). Consistent results will be achieved with respect to air quality (around 65 percent lower levels of air pollution in 2030) and public health.

5) THE INTERNATIONAL DIMENSION

The EU represents only about 10 percent of global emissions, thus its efforts need to be seen within the framework of wider international action aimed at tackling climate change in an effective way. This roadmap can goad other international actors into taking similar initiatives in order to reach a global GHG emissions reduction of at least 50 percent compared to 1990 levels by 2050.

6) CONCLUSIONS

This document is intended to be a starting point for the development of sector-specific policies and initiatives. It highlights the interlinkages between key sectors and the need for consistent additional funding. It should be taken into consideration by European institutions, Member States, candidate countries and potential candidates when developing EU, national and regional policies aimed at shifting towards a low-carbon economy by 2050, as well as internationally, in order to encourage further negotiations to address and respond to climate change issues.

3.2 A POLICY FRAMEWORK FOR CLIMATE AND ENERGY IN THE PERIOD FROM 2020 TO 2030 - COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

1) INTRODUCTION

Building on the key achievements of the current energy and climate policy framework, and based on the full accomplishment of the 20/20/20 targets, this document defines the steps and scheme needed by 2030 to progress towards a low-carbon economy.

2) KEY ELEMENTS OF THE FRAMEWORK

The central element of the EU's energy and climate policy for 2030 is the new reduction target for domestic greenhouse gas (GHG) emissions of 40 percent in 2030 compared to 1990 levels. This target must be shared between the ETS and non-ETS sectors. The ETS sectors would deliver a GHG emissions reduction of 43 percent in 2030 compared to 2005 levels, and the annual factor by which the ETS emissions cap would decrease would correspond to 2.2 percent after 2020. The collective reduction to be achieved in the non-ETS sectors would be 30 percent in 2030 compared to 2005 levels and must be appropriately allocated among the individual Member States.

Achieving a GHG emissions reduction target of 40 percent would foster a greater share of renewable energy consumption in the EU, corresponding to at least 27 percent in 2030. This objective is binding on the EU, but not on the Member States individually. They will therefore be able to establish their commitments on the basis of their current goals for 2020 and will have the flexibility to achieve their GHG reduction target in the most cost-effective way. In this context, it is fundamental to develop the internal energy market, improve the energy infrastructure and guarantee legal certainty for investors. The EC does not foresee any specific target for the transport sector, nor for other sub-sectors after 2020.

The objectives pursued in the framework of EU climate and energy policies benefit from the improvement of energy efficiency. In particular, energy savings are strongly connected to the reinforcement of renewable energy. However, the EU energy efficiency target is not binding and current progress is obtained by implementing punctual policy actions

at the EU and national level, rather than adopting a comprehensive approach, as foreseen in the Energy Efficiency Directive. The upcoming review of this directive can provide a better perspective on future energy savings policy and related implementation measures. Nevertheless, it is possible to foresee an increased level of energy savings of approximately 25 percent in the context of a GHG emissions reduction target of 40 percent in 2030.

- The ETS is seen as the key instrument in the transition towards a low-carbon economy and it must be reformed in order to counteract the surplus of allowances and to reinforce its structure. A market stability reserve has been conceived to provide automatic adjustments to the supply of auctioned allowances and to increase the flexibility of this instrument and the stability of the market. This reserve will start operating in 2021 and needs to be preceded by specific measures for the third trading period.
- A highly competitive and integrated internal energy market facilitates the fulfilment of energy policy goals in a cost-efficient way. It contributes to the containment of energy prices for businesses and households that could result in cost savings of between EUR 40 and 70 billion up to 2030, compared to 2014.
- The competitiveness of Member States' economies and the affordability of energy for all consumers are crucial issues. Higher energy prices must be compensated by improvements in energy efficiency and require effective policy frameworks, especially in specific sectors (such as industrial sectors most at risk of carbon leakage).
- The EU's security of energy supply must be increased by multiple measures: 1) using domestic energy sources; 2) increasing competition in energy markets; and 3) enhancing the energy intensity of the economy and boosting energy savings.

3) EUROPEAN GOVERNANCE FOR THE 2030 FRAMEWORK

Member States must develop national plans for competitive, secure and sustainable energy by 2030, responding to their national energy mix and

preferences but also respecting the EU climate and energy framework as well as the need for further market integration. To this end, the EC has designed a three-step process: 1) the development of detailed EC guidance on the operation of the new governance process and the content of national plans; 2) the preparation of Member States' plans through an iterative process; and 3) the assessment of Member States' plans and commitments.

The EC identifies key indicators to be subject to systematic monitoring in order to assess progress over time and to guide future policy measures.

4) KEY COMPLEMENTARY POLICIES

- Transport: The Transport White Paper establishes the goal of reducing GHG emissions by around 20 percent by 2030 (compared to 2008) and by 60 percent by 2050 (compared to 1990). These results can be boosted by the transformation of the entire transport system; modern and coherent infrastructure design; and the appropriate use of fuel and vehicle taxation. Important progress can be achieved in the aviation and maritime sectors by actively participating in the ad hoc international frameworks.
- Agriculture and land use: The agricultural sector and the land use, land-use change and forestry sector release, but also contain, GHGs from the atmosphere. They should be included in the GHG reduction target for 2030 and their mitigation potential should be further investigated, together with the best policy approach to be applied in these sectors.
- Carbon capture and storage (CCS): The use of this technology must be encouraged and increased over the next decade since it can significantly contribute to reducing direct emissions from industrial processes on a large scale. A supportive EU framework and an appropriate CO₂ storage and transport infrastructure need to be developed to this end, and the adoption of CCS must be sig-

nificantly enhanced in Member States with fossil reserves and/or high shares of fossil fuels.

- Innovation and finance: The post-2020 climate and energy framework needs to be supported with increased investments and further research and innovation policy in order to achieve cost reductions (of between 30 and 80 percent) and the market adoption of low-carbon technologies. Particular attention must be paid to the diverse cost implications for lower-income Member States; to the development of adequate financial instruments; and to access to finance for SMEs.

5) INTERNATIONAL CONTEXT

The 2030 framework must take into consideration the international context as well as current developments and future changes in the energy sector. The global increase in energy demand will be met by developing new technology-derived resources and deploying the geographical diversification of production and trade. International climate action has been fragmented and tailored to specific economic conditions and national interests. It is thus crucial to multiply international efforts to counteract climate changes by concluding a new agreement for the period after 2020. The EU should set an example by committing to further GHG emissions reduction targets and supporting renewable energy and energy efficiency.

6) NEXT STEPS

In this document, the EC identifies the central elements of a new 2030 climate and energy framework. It invites the Council and the European Parliament to commit to new GHG emissions reduction and renewable energy targets; promote energy efficiency; play a key role at international level to strengthen climate action; and endorse the EC's approach to future climate and energy policies, accompanied by an effective governance system for the achievement of climate and energy objectives.

3.3 DELIVERING THE INTERNAL ELECTRICITY MARKET AND MAKING THE MOST OF PUBLIC INTERVENTION - COMMUNICATION FROM THE COMMISSION

1) INTRODUCTION

The completion of an internal electricity market for Europe is instrumental to achieving the objectives of EU policy on energy. Its creation must be based on a strong EU regulatory framework and well-designed public interventions. Through this document, the EC identifies the key elements of public interventions to correct market failures; gives guidance on their design/adaptation to increase their effectiveness; and proposes the principles and direction of changes that should inform the development of future interventions.

2) WHY RE-THINKING PUBLIC INTERVENTION IN ENERGY IS NECESSARY

Beyond pursuing their traditional objectives, public interventions must be re-thought in the context of the internal electricity market and its deriving issues, in particular: 1) the increasing share of renewables in the internal electricity market; 2) the potential of the demand-side response on an EU scale; 3) the consideration of climate change challenges and the internalisation of the connected environmental externalities; 4) the need for generation adequacy; and 5) the increasing integration of national markets.

3) MAKING PUBLIC INTERVENTION MORE EFFECTIVE AND EFFICIENT

In order to be more effective and efficient, public interventions must be well designed as well as tailored to, and proportional to, the objectives they pursue, especially in terms of costs, which need to be kept as low as possible. The establishment of an intervention must be justified by the identification of a specific problem that cannot be solved by using the tools available in the internal electricity market in respect of existing EU law. Public interventions must be planned in a comprehensive and coordinated way, exploring synergies between the different energy policy objectives. Competent authorities must consider all the alternative instruments available for the solution of a problem, since a national or local issue can be better addressed by a European intervention. Before considering a public intervention on the supply side, a solution could be offered by demand-side

responses and the end use of energy efficiency. Public interventions should not impact electricity systems and the competition, nor should they conceal subsidies, thus it is fundamental to harmonise market rules and offer the same opportunities to competitors from different Member States. Strengthening the functioning of the internal energy market can boost the competitiveness of the European economy and benefit consumers via low costs. The appropriate functioning of the intervention must be continuously monitored and regularly evaluated in order to ensure it is phased out when the objective has been achieved or the problem solved.

4) GUIDANCE ON SPECIFIC MEASURES

The EC proposes principles and policy guidance for designing specific public interventions in electricity markets. Such interventions should respect the EU acquis and could require public service obligations on generators, suppliers and/or transmission system operators.

- Provision of generation adequacy: Appropriate assessments must be carried out to evaluate the generation adequacy delivered by the market. When inadequacy is identified, Member States must compare the alternative measures that can address or reduce the problem, taking into consideration EU legal requirements; respecting the phasing out of fossil fuel generation subsidies by 2020; and taking into account cross-border mechanisms to effectively solve the problem. The distortion of competition and trade must be minimised by ensuring a continuous review of the relevant public intervention. These interventions do not offset the negative effects deriving from other subsidies nor the inadequate execution of internal market provisions, especially those relating to support schemes for renewable energy sources.
- Support schemes for renewables and cooperation at EU level: The intervention of national governments may be necessary and instrumental to the development of new and renewable forms of energy. In this sector, public interventions should determine stable and transparent conditions for renewable investments and facilitate the inte-

gration of electricity from renewable sources on the internal market. These interventions should take the form of feed-in premiums and other support instruments that lead producers to respond to market prices and stimulate fair competition. Public interventions should also be directed to the research and development of emerging technologies in order to facilitate their entry into the market and the deployment of next-generation technologies. Specific measures should also be foreseen for the small-scale, non-commercial and decentralised production of renewable energy.

Cooperation in the development of renewables has a high potential and is strongly supported at EU level by specific legislative provisions (Directive 2009/28/EC). The implementation of cross-border support schemes can reduce costs and remove distortions to the single market, supporting the achievement of national renewable targets more effectively. Unfortunately, Member States do not usually deploy such cooperation mechanisms.

- Demand response measures: Consumers are key players on the internal electricity market. They constitute the demand side and can contribute to making the electricity system more flexible by actively participating in it.

5) CONCLUSIONS

This document deals with important aspects of the functioning of the internal electricity market and the use of public interventions, which are crucial issues in view of market completion in 2014. The proper functioning of the internal electricity market would guarantee an affordable, secure and sustainable electricity supply in the future; it will also facilitate the transition towards a more efficient energy system in the framework of the 2030 climate and energy policies. In this context it is crucial to ensure that public interventions do not have a negative impact and that opportunities offered at the EU level are effectively used and preferred to regional, national and local measures.

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- Green Paper on the modernization of EU public procurement policy. Towards a more efficient European Procurement Market
- Case C-195/12. Judgment of the Court (Fourth Chamber) of 26 September 2013 – Industrie du bois de Vielsalm & Cie (IBV) SA v Région wallonne
- Case C-26/11. Judgment of the Court (Third Chamber) of 31 January 2013 – Belgische Petroleum Unie VZW and Others v Belgische Staat

BUILDINGS

- ec.europa.eu/energy/efficiency/buildings/buildings_en.htm
- Commission Communication Action Plan for energy efficiency: realizing the potential
- Report from the Commission to the European Parliament and the Council Progress by Member States towards Nearly Zero-Energy Buildings
- Report from the Commission to the European Parliament and the Council Financial support for energy efficiency in buildings
- Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the

Council Financial support for energy efficiency in buildings

- Guidelines accompanying Commission Delegated Regulation (EU) No 244/2012 of 16 January 2012 supplementing Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings by establishing a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements

ENERGY EFFICIENCY

- ec.europa.eu/energy/efficiency/eed/eed_en.htm
- Council Recommendation 2010/410/EU of 13 July 2010 on broad guidelines for the economic policies of the Member States and of the Union

ROAD TRANSPORT

- ec.europa.eu/clima/policies/transport/vehicles/index_en.htm
- Commission Recommendation 1999/125/EC on the reduction of CO2 emissions from passenger cars (ACEA)
- Commission Recommendation 2000/303/EC on the reduction of CO2 emissions from passenger cars (KAMA)
- Commission Recommendation 2000/304/EC on the reduction of CO2 emissions from passenger cars (JAMA)
- Communication from the Commission On the monitoring and reporting of data on the registration of new passenger cars
- European Parliament resolution of 6 May 2010 on electric cars
- Report from the Commission to the European Parliament, the Council, and the European Economic and Social Committee, Progress report on implementation of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles
- Communication from the Commission to the European Parliament and Council A Competitive Automotive Regulatory Framework for the 21st Century - Commission's position on the CARS 21 High Level Group Final Report - A contribution to the EU's Growth and Jobs Strategy
- Communication from the Commission to the Council and the European Parliament Results of the review of the Community Strategy to reduce CO2 emissions from passenger cars and light-commercial vehicles

- Communication from the Commission to the Council and the European Parliament A competitive automotive regulatory framework for the 21st century
- Commission Recommendation of 26 March 2003 on the application to other media of the provision of Directive 1999/94/EC concerning promotional literature
- **F-GASES**
- ec.europa.eu/clima/policies/f-gas/index_en.htm
- European Parliament Resolution of 14 September 2011 on a comprehensive approach to non-CO2 climate-relevant anthropogenic emission
- Report from the Commission On the application, effects and adequacy of the Regulation on certain fluorinated greenhouse gases (Regulation (EC) No 842/2006
- Case C-187/09. Judgment of the Court (Fifth Chamber) of 10 December 2009 – European Commission v United Kingdom of Great Britain and Northern Ireland

5 Abbreviations

CCS	Carbon capture and storage
EE	Energy efficiency
ESD	Effort sharing decision
ETS	Emissions Trading System
F-Gases	Fluorinated gases
GHG	Greenhouse gas
LULUCF	Land use, land-use change and forestry
MRV	Monitoring, reporting and verification

NER 300	New entrants' reserve 300 million (This refers to Decision 2010/670/EU establishing a new instrument for financing innovative projects employing technologies related to carbon capture and storage and renewable energy sources. The funds are collected through the sale of 300 million emission allowances from the new entrants' reserve (NER) of the EU Emissions Trading System and awarded to deserving projects through dedicated calls for proposals.)
RES	Renewable energy sources

ANNEX 1

DETAILED LIST OF EU CLIMATE CHANGE LEGISLATION ANALYSED IN SECTION I

1.1 KYOTO AND EU EMISSION LEVELS

- Commission Decision [2010/778/EU] of 15 December 2010 amending Decision 2006/944/EC determining the respective emission levels allocated to the Community and each of its Member States under the Kyoto Protocol pursuant to Council Decision 2002/358/EC
- Commission Decision [2006/944/EC] of 14 December 2006 determining the respective emission levels allocated to the Community and each of its Member States under the Kyoto Protocol pursuant to Council Decision 2002/358/EC
- Council Decision [2002/358/EC] of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder

1.2 EU EMISSION TRADING SCHEME (EU ETS)

- Commission Regulation (EU) No 550/2011 of 7 June 2011 on determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases
- Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community
- Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community
- Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms
- Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

- Commission Decision [2006/803/EC] of 23 November 2006 amending Decision 2005/381/EC establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC
- Commission Decision [2005/381/EC] of 4 May 2005 establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

1.3 REGISTRY

- Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011

1.4 AUCTIONING

- Commission Regulation (EU) No 1042/2012 of 7 November 2012 amending Regulation (EU) No 1031/2010 to list an auction platform to be appointed by the United Kingdom
- Commission Regulation (EU) No 784/2012 of 30 August 2012 amending Regulation (EU) No 1031/2010 to list an auction platform to be appointed by Germany and correcting Article 59(7) thereof
- Commission Regulation (EU) No 1210/2011 of 23 November 2011 amending Regulation (EU) No 1031/2010 in particular to determine the volume of greenhouse gas emission allowances to be auctioned prior to 2013
- Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community

1.5 FREE ALLOCATION

- Commission Decision [2011/278/EU] of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council

1.6 MONITORING, REPORTING, VERIFICATION AND ACCREDITATION

- Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council
- Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council

1.7 CARBON LEAKAGE

- Commission Decision [2012/498/EU] of 17 August 2012 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage
- Commission Decision [2011/745/EU] of 11 November 2011 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage
- Commission Decision [2010/2/EU] of 24 December 2009 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage

1.8 NER 300

- Commission Decision [2010/670/EU] of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council

1.9 GREENHOUSE GAS EMISSIONS AND MONITORING

- Commission Implementing Decision [2013/634/EU] of 31 October 2013 on the adjustments to Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council
- Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC
- Commission Decision [2013/162/EU] of 26 March 2013 on determining Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council
- Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction Commitments up to 2020

1.10 CARBON CAPTURE AND STORAGE

- Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006

1.11 QUALITY OF FUELS

- Commission Directive 2011/63/EU of 1 June 2011 amending, for the purpose of its adaptation to technical progress, Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels
- Directive 2009/30/EC of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions
- Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport
- Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending

Directive 98/70/EC relating to the quality of petrol and diesel fuels Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty

- Commission Decision [2002/159/EC] of 18 February 2002 on a common format for the submission of summaries of national fuel quality data
- Commission Directive 2000/71/EC of 7 November 2000 to adapt the measuring as laid down in Annexes I, II, III and IV to Directive 98/70/EC of the European Parliament and of the Council to technical progress as foreseen in Article 10 of that Directive
- Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC
- Directive 98/70/EC of the European Parliament and of the Council of 13 October relating to the quality of petrol and diesel and amending Directive 93/12/EEC

1.12 OZONE LAYER PROTECTION

- Commission Regulation (EU) No 1088/2013 of 4 November 2013 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council with regard to applications for import and export licences of products and equipment containing or relying on halons for critical uses in aircraft
- Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer
- Commission Regulation (EU) No 744/2010 of 18 August 2010 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, with regard to the critical uses of halons
- Commission Decision [2010/372/EU] of 18 June 2010 on the use of controlled substances as process agents under Article 8(4) of Regulation (EC) No 1005/2009 of the European Parliament and of the Council,
- Regulation (EC) No 1005/2009 on substances that deplete the ozone layer

1.13 LAND USE, LAND-USE CHANGE AND FORESTRY

- Decision No 529/2013/EU of the European Parliament and of the Council of 21 May 2013 on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities

1.14 RENEWABLE ENERGY SOURCES

- Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

1.15 BUILDINGS

- Directive 2010/31/EC of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings

1.16 ENERGY EFFICIENCY

- Council Directive 2013/12/EU of 13 May 2013 adapting Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency, by reason of the accession of the Republic of Croatia
- Directive 2012/27/EU of the EUROPEAN PARLIAMENT and of the COUNCIL of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

1.17 AVIATION

- Commission Decision [2011/638/EU] of 26 September 2011 on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council
- Commission Decision [2011/389/EU] of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3)(a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community
- Commission Regulation (EU) No 394/2011 of 20 April 2011 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive

2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator as regards the expansion of the Union emission trading scheme to EEA-EFTA countries

- Commission Decision [2011/149/EU] of 7 March 2011 on historical aviation emissions pursuant to Article 3c(4) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community
- Commission Decision [2009/450/EC] of 8 June 2009 on the detailed interpretation of the aviation activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council

1.18 ROAD TRANSPORT

- Commission Regulation (EU) No 397/2013 of 30 April 2013 amending Regulation (EC) No 443/2009 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new passenger cars
- Commission Implementing Regulation (EU) No 396/2013 of 30 April 2013 amending Regulation (EU) No 1014/2010 as regards certain requirements for the monitoring of CO₂ emissions from new passenger cars
- Commission Delegated Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to rules for the application for a derogation from the specific CO₂ emissions targets for new light commercial vehicles
- Commission Implementing Regulation (EU) No 429/2012 of 24 July 2012 on the conclusion of the Agreement between the European Union and the Government of the Russian Federation on trade in parts and components of motor vehicles between the European Union and the Russian Federation
- Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and Council
- Commission Implementing Decision [2012/99/EU] of 17 February 2012 on the detailed arrangements for the collection of premiums for excess CO₂ emissions from new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council

- Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council
- Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles
- Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council
- Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council
- Regulation No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles
- Commission Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC of the European Parliament and of the Council
- Directive 1999/94/EC of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars

1.19 F-GASES

- Commission Regulation (EC) No 308/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States
- Commission Regulation (EC) No 307/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain mo-

tor vehicles containing certain fluorinated greenhouse gases

- Commission Regulation (EC) No 306/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment
- Commission Regulation (EC) No 305/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear
- Commission Regulation (EC) No 304/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases
- Commission Regulation (EC) No 303/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases
- Commission Regulation (EC) No. 1516/2007 of 19 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases
- Commission Regulation (EC) No 1497/2007 of 18 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases
- Commission Regulation (EC) No 1494/2007 of 17 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases
- Commission Regulation (EC) No 1493/2007 of 17 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the format for the report to be submitted by producers, importers and exporters of certain fluorinated greenhouse gases
- Commission Regulation (EC) No 706/2007 of 21 June 2007 laying down, pursuant to Directive 2006/40/EC of the European Parliament and of the Council, administrative provisions for the EC type-approval of vehicles, and a harmonised test for measuring leakages from certain air conditioning systems
- Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases
- Directive 2006/40/EC of 17 May 2006 relating to emissions from air-conditioning systems in motor vehicles

ANNEX 2

DERIVING LEGISLATIVE ACTS

EU and Member States' Emission Levels Decision 2006/944/EC

- Commission Implementing Decision 2013/644/EU
- Protocol on certain arrangements concerning a possible one-off transfer of assigned amount units issued under the Kyoto Protocol to the United Nations Framework Convention on Climate Change to the Republic of Croatia, as well as the related compensation

Kyoto Protocol Decision 2002/358/EC

- Commission Decision 2006/944/EC
- Commission Decision 2010/778/EU
- Decision 529/2013/EU
- Commission Regulation (EU) 550/2011
- Regulation (EU) 525/2013
- Protocol on certain arrangements concerning a possible one-off transfer of assigned amount units issued under the Kyoto Protocol to the United Nations Framework Convention on Climate Change to the Republic of Croatia, as well as the related compensation

EU ETS Directive 2003/87/EC

- Commission Decision 2014/9/EU
- Commission Decision 2013/448/EU
- Commission Decision 2013/447/EU
- Commission Decision 2012/498/EU
- Commission Decision 2011/745/EU
- Commission Decision 2011/638/EU
- Commission Decision 2011/540/EU
- Commission Decision 2011/389/EU
- Commission Decision 2011/278/EU
- Commission Decision 2011/149/EU
- Commission Decision 2010/670/EU
- Commission Decision 2010/634/EU
- Commission Decision 2010/384/EU
- Commission Decision 2010/345/EU
- Commission Decision 2010/2/EU
- Commission Decision 2009/450/EC
- Commission Decision 2009/339/EC
- Commission Decision 2009/73/EC
- Commission Decision 2007/589/EC
- Commission Decision 2006/803/EC
- Commission Decision 2006/780/EC
- Commission Decision 2005/381/EC
- Commission Decision 2004/156/EC
- Decision 377/2013/EU
- Commission Regulation (EU) No 100/2014

- Commission Regulation (EU) No 185/2013
- Commission Regulation (EU) No 389/2013
- Commission Regulation (EU) No 109/2013
- Commission Regulation (EU) No 1143/2013
- Commission Regulation (EU) No 1042/2012
- Commission Regulation (EU) No 784/2012
- Commission Regulation (EU) No 601/2012
- Commission Regulation (EU) No 600/2012
- Commission Regulation (EU) No 100/2012
- Commission Regulation (EU) No 1193/2011
- Commission Regulation (EU) No 1210/2011
- Commission Regulation (EU) No 550/2011
- Commission Regulation (EU) No 394/2011
- Commission Regulation (EU) No 115/2011
- Commission Regulation (EU) No 1031/2010
- Commission Regulation (EU) No 920/2010
- Commission Regulation (EU) No 606/2010
- Commission Regulation (EU) No 82/2010
- Commission Regulation (EC) No 748/2009
- Commission Regulation (EC) No 994/2008
- Commission Regulation (EC) No 916/2007
- Commission Regulation (EC) No 2216/2004
- Proposal for a Decision of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC [COM (2014) 20 final of 22 January 2014]
- Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for a greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions [COM (2013) 722 final of 16 October 2013]

NER 300 Decision 2010/670/EU

- Commission Implementing Decision of 18.12.2012 Award Decision under the first call for proposals of the NER300 funding programme

Regulation (EU) No 525/2013 on Monitoring and Reporting in NON-ETS sectors

- Decision 529/2013/EU
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 525/2013 as regards the tech-

nical implementation of the Kyoto Protocol to the United Nations Framework Convention on Climate Change

Effort Sharing Decision 406/2009/EC

- Commission Decision 2013/162/EU
- Decision 529/2013/EU (Art. 9)
- Commission Implementing Decision 2013/634/EU
- Commission Regulation (EU) No 389/2013
- Directive 2012/27/EU (Art. 4)
- Proposal for a Regulation on the monitoring, reporting and verification of carbon dioxide emissions from maritime transports

CCS Directive 2009/31/EC

- Commission Decision 2011/92/EU

Directive 1999/32/EC on the Reduction in the Sulphur Content of Fuels

- Commission Decision 2010/769/EU
- Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels [COM/2011/0439 final]

Quality of Petrol and Diesel Directive 98/70/EC

- Commission Implementing Decision 2014/6/EU
- Commission Implementing Directive 2013/256/EU
- Commission Implementing Decision 2012/722/EU
- Commission Implementing Decision 2012/452/EU
- Commission Implementing Decision 2012/432/EU
- Commission Implementing Decision 2012/427/EU
- Commission Implementing Decision 2012/395/EU

ODS Regulation (EC) No 1005/2009

- Commission Implementing Decision 2014/8/EU
- Commission Implementing Decision 2013/808/EU
- Commission Regulation (EU) No 1088/2013
- Commission Regulation (EU) No 1087/2013
- Commission Implementing Decision 2013/425/EU
- Commission Implementing Decision 2012/782/EU
- Commission Implementing Decision 2011/873/EU
- Commission Decision 2011/185/EU
- Commission Decision 2010/372/EU
- Commission Regulation (EU) No 291/2011
- Commission Regulation (EU) No 537/2011

LULUCF Decision 529/2013/EU

- Proposal for a Decision of the European Parliament and of the Council on accounting rules and action plans on greenhouse gas emission and removals

resulting from activities related to land use, land use change and forestry [COM(2012)93final]

RES Directive 2009/28/EC

- Commission Implementing Decision 2014/6/EU
- Commission Implementing Decision 2013/256/EU
- Commission Implementing Decision 2012/722/EU
- Commission Implementing Decision 2012/452/EU
- Commission Implementing Decision 2012/432/EU
- Commission Implementing Decision 2012/427/EU
- Commission Implementing Decision 2012/395/EU
- Commission Implementing Decision 2012/210/EU
- Commission Implementing Decision 2011/441/EU
- Commission Implementing Decision 2011/440/EU
- Commission Implementing Decision 2011/439/EU
- Commission Implementing Decision 2011/438/EU
- Commission Implementing Decision 2011/437/EU
- Commission Implementing Decision 2011/436/EU
- Commission Implementing Decision 2011/435/EU
- Commission Decision 2013/114/EU
- Commission Decision 2011/13/EU
- Commission Decision 2010/335/EU
- Commission Decision 2009/548/EC
- Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources [COM (2012) 595 final of 17 October 2012]

EPBD 2010/31/EU

- Commission Delegated Regulation (EU) No 312/2013
- Commission Delegated Regulation (EU) No 244/2012

Energy Efficiency Directive 2012/27/EU

- Commission Implementing Decision 2013/242/EU

Decision 2011/149/EU on historical emissions

- Commission Decision 2011/389/EU

Regulation (EU) No 114/2013 on derogating from the specific CO₂ emissions targets for new light commercial vehicles

- Commission Delegated Regulation (EU) No 1047/2013

Regulation (EU) No 725/2011 on the procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars

- Commission Implementing Decision 2013/529/EU
- Commission Implementing Decision 2013/451/EU

- Commission Implementing Decision 2013/341/EU
- Commission Implementing Decision 2013/128/EU

Regulation (EU) No 510/2011 on emission performance standards for new light commercial vehicles

- Commission Implementing Decision 2013/807/EU
- Commission Delegated Regulation (EU) No 1047/2013
- Commission Delegated Regulation (EU) No 114/2013
- Commission Implementing Regulation (EU) No 293/2012
- Commission Delegated Regulation (EU) No 205/2012
- Commission Implementing Decision 2012/99/EU
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new light commercial vehicles
- Proposal for a Regulation of the European Parliament and of the Council setting emission performance standards for new light commercial vehicles as part of the Community's integrated approach to reduce CO2 emissions from new light-duty vehicles.

Regulation (EC) No 443/2009 on emission performance standards for new passenger cars

- Commission Implementing Decision 2013/632/EU
- Commission Implementing Decision 2013/529/EU
- Commission Implementing Decision 2013/451/EU
- Commission Implementing Decision 2013/341/EU

- Commission Regulation (EU) No 379/2013
- Commission Implementing Regulation (EU) No 396/2013
- Commission Implementing Decision 2013/128/EU
- Commission Implementing Decision 2012/770/EU
- Commission Implementing Regulation (EU) No 429/2012
- Commission Decision 2012/100/EU
- Commission Implementing Decision 2011/878/EU
- Commission Implementing Regulation (EU) No 725/2011
- Commission Regulation (EU) No 63/2011
- Commission Regulation (EU) No 1014/2010

Directive 1999/94/EC on the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars

- Commission Decision 2011/677/EC

Regulation (EC) No 842/2006 on certain F-gases

- Commission Regulation (EC) No 308/2008
- Commission Regulation (EC) No 307/2008
- Commission Regulation (EC) No 306/2008
- Commission Regulation (EC) No 305/2008
- Commission Regulation (EC) No 304/2008
- Commission Regulation (EC) No 303/2008
- Commission Decision 2008/80/EC

Directive 2006/40/EC on emissions from air-conditioning systems in motor vehicles

- Commission Regulation (EC) No 706/2007

