



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.VII.2004
C(2004)2515/5 final

COMMISSION DECISION

of 07.VII.2004

concerning the national allocation plan for the allocation of greenhouse gas emission allowances notified by Ireland in accordance with Directive 2003/87/EC of the European Parliament and of the Council

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concerning the national allocation plan for the allocation of greenhouse gas emission allowances notified by Ireland in accordance with Directive 2003/87/EC of the European Parliament and of the Council

(Only the English text is authentic)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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/EC¹, and in particular Article 9(3) thereof,

Whereas:

- (1) The national allocation plan of Ireland for the period 2005-2007, developed under Article 9(1) of Directive 2003/87/EC, was notified to the Commission on 31 March 2004 and registered on 1 April 2004. Ireland submitted additional information amending and completing the notified plan by letter registered on 4 June 2004 in reply to questions from the Commission, by a letter received on 30 June 2004 and by a letter received on 6 July 2004.
- (2) The Climate Change Committee has considered the national allocation plan and has urged the Commission *inter alia* to make certain that the intended use of the Kyoto Protocol's mechanisms by a government is substantiated through the state of advancement of relevant legislation and implementing provisions in the plan, to closely examine Ireland's anticipated path to reaching its target under Decision 2002/358/EC, and to examine the justification for, and admissibility under criterion 10, of the intended potential adjustments of allocated amounts related to unused allowances from known planned developments and the Combined Heat and Power (CHP) reserve. The views of the Climate Change Committee have been taken into account.
- (3) The national allocation plan, including the total quantity of allowances stated therein, has been evaluated in accordance with the Commission Communication on guidance to assist Member States in the implementation of the criteria listed in Annex III to Directive 2003/87/EC².

- (4) In assessing the national allocation plan in respect of criteria 1 of Annex III to Directive 2003/87/EC, the Commission takes into account information in the letters of Ireland received on 30 June and 6 July 2004 regarding the decision to reduce its total allocation by 180,000 tonnes of allowances per year with respect to the plan notified on the 31 March, the decision not to adjust the quantity of allowances allocated to existing installations operating in Ireland after adoption of the decision referred to in Article 11(1) of Directive 2003/87/EC, and the commitments in respect of Ireland's use of the Kyoto Protocol's mechanisms.
- (5) On the basis of the information provided by the Member State, the Commission therefore considers that any potential aid is likely to be compatible with the common market should it be assessed in accordance with Article 88(3) of the Treaty.
- (6) The reports on the implementation of policies and measures and the use of the Kyoto Protocol's mechanisms submitted by Member States pursuant to Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol³ are taken into account for evaluation of the national allocation plans pursuant to criterion 2 of Annex III to Directive 2003/87/EC,

HAS ADOPTED THIS DECISION:

Article 1

No objections are raised to the national allocation plan of Ireland with regard to the criteria of Annex III to the Directive or with regard to Article 10 thereof.

Article 2

1. The total quantity of allowances to be allocated by Ireland according to its national allocation plan including subsequent information notified to the Commission by letter received on 6 July 2004 to installations listed therein and to new entrants shall not be exceeded.
2. The national allocation plan may be amended without prior acceptance by the Commission if the amendment consists in modifications of the allocation of allowances to individual installations within the total quantity resulting from improvements to data quality.
3. Any amendments to the national allocation plan other than those referred to in paragraph 2 of this Article shall be notified to the Commission and accepted in accordance with Article 9(3) of Directive 2003/87/EC.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 07.VII.2004

For the Commission

Margot WALLSTRÖM
Member of the Commission

