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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.10.2004
C (2004) 3982 / 6 final

COMMISSION DECISION

of 20 October 2004

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

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(Only the Slovak 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 the Slovak Republic for the period 2005-2007, developed under Article 9(1) of Directive 2003/87/EC, was notified to the Commission on 6 July 2004. The Slovak Republic submitted additional information amending and completing the notified plan by a letter dated 20 August 2004 in reply to questions from the Commission, by a letter dated 30 September 2004 and by letter dated 15 October 2004.
- (2) The Climate Change Committee has considered the national allocation plan and has called on the Commission to compare the proposed allocation to the Slovak Republic's projections and measures for the non-trading and trading sectors, including in particular assumptions on growth rates, and urged the Commission to compare the Slovak Republic's allocation to recent historic and projected emissions and to examine the justification for deviations from recent historic and projected emissions for the trading sector. The Climate Change Committee also urged the Commission to carefully examine the access rules to the new entrants reserve with a view to avoiding the double counting of growth in output and emissions by means of both allocating to installations listed in the plan and building a new entrants 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.

¹ OJ L 275, 25.10.2003, p. 32.

² COM(2003)830 final

- (4) In assessing the national allocation plan in respect of criterion 2 of Annex III to Directive 2003/87/EC, the Commission takes into account information in the letters of the Slovak Republic dated 30 September 2004 and 15 October 2004 regarding the decision to reduce its total allocation by a total of 4,959,000 tonnes of allowances per year with respect to the plan notified on 6 July 2004.
- (5) Pursuant to criterion 5 the Commission has assessed whether the plan unduly favours certain undertakings or activities contrary to the requirements of the Treaty, in particular Articles 87 and 88 thereof. On the basis of the information provided by the Member State, the Commission 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) This Decision is without prejudice to the Slovak Republic's obligations under Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market³.
- (7) 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 Protocol⁴ 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 the Slovak Republic 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 the Slovak Republic according to its national allocation plan to installations listed therein, including subsequent information notified to the Commission by letter dated 30 September and by letter dated 15 October 2004, shall not be exceeded, nor shall the total quantity to be allocated to new entrants 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 to be allocated to installations listed therein 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.

³ OJ L 283 , 27.10.2001, p.33.

⁴ OJ L 49, 19.02.2004, p. 1.

Article 3

This Decision is addressed to the Slovak Republic.

Done at Brussels, 20 October 2004