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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.07.2004
C(2004) 2515/1 final

COMMISSION DECISION

of 7 July 2004

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

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(Only the Dutch 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 Netherlands for the period 2005-2007, developed under Article 9(1) of Directive 2003/87/EC, was notified to the Commission on 22 April and registered on 26 April 2004. The Netherlands submitted additional information by letter received on 1 June 2004 in reply to questions from the Commission. The Netherlands submitted further information amending and completing the notified plan by letter received on 23 June 2004.
- (2) The Climate Change Committee has considered the national allocation plan and has called on the Commission to *inter alia* closely examine the Netherlands' anticipated path to reaching its target under 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 thereunder² and to scrutinise the projections for the trading sector, and to examine the admissibility under criterion 10 of the intended potential adjustments of allocated amounts related to unused allowances in the 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/EC³.

¹ OJ L 275, 25.10.2003, p. 32.

² OJ L 130, 15.5.2002, p. 1.

³ COM(2003)830 final

- (4) In assessing the national allocation plan in respect of criteria 1 and 10 of Annex III to Directive 2003/87/EC, the Commission takes into account information in the letter of the Netherlands received on 23 June 2004 regarding the decision to reduce its total allocation by 3 million tonnes of allowances per year with respect to the plan notified on the 22 April, and the decision not to adjust the quantity of allowances allocated to existing installations operating in the Netherlands after adoption of the decision referred to in Article 11(1) of Directive 2003/87/EC in respect of allowances from the reserves set aside for known new entrants and for unknown new entrants.
- (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 national allocation plan anticipates approval of the Netherlands' application for the temporary exclusions of certain installations pursuant to Article 27 of Directive 2003/87/EC. In the event that the application is not approved, the Netherlands will therefore have to notify allocations to those installations determined in accordance with the general methodologies stated in its national allocation plan.
- (7) Information in the national allocation plan not relevant to the allocation of allowances for the period referred to in Article 11(1) of Directive 2003/87/EC has not been taken into account for the purposes of this Decision.
- (8) 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 Netherlands 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 Netherlands according to its national allocation plan including subsequent information notified to the Commission by letter received on 23 June 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.

⁴ OJ L 49, 19.02.2004, p. 1.

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 by the Commission in accordance with Article 9(3) of Directive 2003/87/EC.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 7 July 2004