



Brussels, 13.10.2015  
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**COMMISSION IMPLEMENTING DECISION**

**of 13.10.2015**

**amending Commission Implementing Decisions C(2012) 9432 and C(2014) 4493 so as to  
modify the Award Decisions under the first and second call for proposals of the  
NER 300 funding programme**

only the Spanish, Danish, German, Estonian, Greek, English, French, Croatian, Italian,  
Latvian, Hungarian, Dutch, Polish, Portuguese, Finnish, Swedish language versions are  
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## **amending Commission Implementing Decisions C(2012) 9432 and C(2014) 4493 so as to modify the Award Decisions under the first and second call for proposals of the NER 300 funding programme**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC<sup>1</sup>, and in particular Article 10a(8) thereof,

Having regard to 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 CO<sub>2</sub> 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<sup>2</sup>, and in particular Article 5(5) thereof,

Having regard to Article 17(1) of the Treaty on European Union,

Whereas:

- (1) Pursuant to Articles 5 to 9 of Commission Decision 2010/670/EU, the Commission published a first and second call for proposals under the NER 300 funding programme covering the proceeds of 300 million allowances in November 2010 and April 2013, followed by a selection procedure and the adoption of two award decisions for 22 projects on 18 December 2012<sup>3</sup> and for 19 projects on 8 July 2014<sup>4</sup> (hereinafter: "Award Decisions").
- (2) Following Commission Decision (EU) 2015/191 amending Decision 2010/670/EU as regards the extension of the time limit for the date of entry into operation by two years, the Commission received notifications by Member States, where changes were proposed to awarded projects. Following the procedure set out by Annex 2, point 5 of the Award Decisions, the Commission carried out the assessments upon the technical and financial implications of the proposed changes on the projects, checked whether the Member States would support the potential changes and concluded that the duly justified changes should be implemented. Therefore, this amendment to the Award

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<sup>1</sup> OJ L 275, 25.10.2003, p. 32.

<sup>2</sup> OJ L 290, 6.11.2010, p. 39.

<sup>3</sup> Commission Implementing Decision C(2012) 9432, as amended by C(2014) 383.

<sup>4</sup> Commission Implementing Decision C(2014) 4493.

Decisions is necessary to take changes to 25 projects into account. The whole Annex 1 to the Award Decisions should be replaced.

- (3) The following changes are made, which neither affect the scope of the projects nor the results of the selection procedure nor increase the maximum amount of funding: a) change the date of entry into operation of 25 projects in compliance with the condition that the new date is in line with Article 11(1) of Commission Decision 2010/670/EU; b) authorise an upfront funding to five projects in accordance with Article 11(5) of Commission Decision 2010/670/EU in compliance with the condition that the Member State guarantees that any funding exceeding the funding determined will be returned to the European Investment Bank; c) change the costs considered as relevant for one project as they are lower than the relevant costs on the basis of which the Award Decision was adopted and decrease the maximum amount of funding.
- (4) The withdrawal of a project, notified by a Member State to the Commission, falls under the provision of Annex 2, point 3(b) of the Award Decisions. Pursuant to such a notification the Award Decisions terminate their legal and financial effects retroactively with regard to the withdrawn project, without the need to amend the Award Decisions. For a sake of clarity, two withdrawn projects are removed also from Annex 1a of this Decision.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annex 1 to Commission Implementing Decision C(2012) 9432 is replaced by Annex 1a to this Decision. Annex 1 to Commission Implementing Decision C(2014) 4493 is replaced by Annex 1b to this Decision.

*Article 2*

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 13.10.2015

*For the Commission*  
*Miguel ARIAS CAÑETE*  
*Member of the Commission*

