

## **A. Introduction**

### **1. Targets**

The Kyoto Protocol requires the European Union (consisting of the 15 Member States of before May 2004) to reduce greenhouse gas (GHG) emissions by 8% below 1990 levels by 2008-2012. Most of the 12 new Member States also have a target of -8%. The target for Hungary and Poland is -6% while Cyprus and Malta are non Annex-I Parties to the UNFCCC and thus have no target.

### **2. Decision 280/2004 – the Monitoring Mechanism Decision**

Decision 280/2004/EC ("Monitoring Mechanism" Decision or "MM Decision") concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol and its implementing provisions (Decision 2005/166/EC) set out the details for the reporting of anthropogenic greenhouse gas emissions by sources and removals by sinks and for providing information as regards national programmes to reduce emissions, greenhouse gas emission projections, and policies and measures in accordance with the United Nations Framework Convention on Climate Change (UNFCCC).

## **B. Current reporting of climate change-related data and information**

### ***1. Reporting***

#### **1.1 Inventory reports**

Parties included in Annex I to the Convention (Annex I Parties) are required, by 15 April each year, to provide annual national GHG inventories covering emissions and removals of direct GHGs (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs and SF<sub>6</sub>) from six sectors (Energy, Industrial processes, Solvents, Agriculture, Land Use, Land Use Change from Forestry (LULUCF), Waste), and for all years from the base year or period to year x-2 (for year 2008 emission figures will be available in 2010.)

Both the EU and the 27 Member States have the obligation to submit an annual inventory to the UNFCCC by April 15<sup>th</sup>. The EU inventory is a compilation of the Member State inventories. The annual process of compilation of the Community's inventory includes the following core elements:

The Member States submit their annual GHG inventory by 15 January each year to the European Commission (DG CLIMA). After a series of checks and consultations undertaken by the European Environmental Agency (EEA), Eurostat and the Joint Research Centre (JRC) with Member States, Member States send updated national data and information, if necessary, by 15 March. This procedure ensures the timely submission of the EU GHG inventory and inventory report to the UNFCCC Secretariat on April 15 and guarantees that the EU submission to the UNFCCC Secretariat is consistent with the Member State submissions to the UNFCCC submissions.

The final technical greenhouse gas inventory reports (as produced by the EEA) are available online at the website of the UNFCCC secretariat ([http://unfccc.int/national\\_reports/annex\\_i\\_ghg\\_inventories/national\\_inventories\\_submissions/items/5270.php](http://unfccc.int/national_reports/annex_i_ghg_inventories/national_inventories_submissions/items/5270.php)) and of the EEA (<http://www.eea.europa.eu/publications/>), while also a relevant link is provided through DG CLIMA's website ([http://ec.europa.eu/clima/documentation/gas/index\\_en.htm](http://ec.europa.eu/clima/documentation/gas/index_en.htm)). The relevant greenhouse gas data is also accessible via the EEA's GHG data viewer (<http://dataservice.eea.europa.eu/PivotApp/pivot.aspx?pivotid=475>)

#### **1.2 Projections and policies and measures reports**

Under Decision 280/2004 Member States are required by 15<sup>th</sup> of March every 2 years to provide information on their national policies and measures which limit and/or reduce greenhouse gas emissions presented on a sectoral basis for each greenhouse gas and also national projections of greenhouse gas emissions for the years 2005, 2010, 2015 and 2020, organised by gas and by sector. Updates may be submitted annually. This information is then compiled by the EEA in its annual

“Trends and Projections report”. This information also feeds into the Commission Progress Report and is also part of the national communication submitted to the UNFCCC every 4 years.

The Commission's progress reports are available at: [http://ec.europa.eu/clima/documentation/gas/index\\_en.htm](http://ec.europa.eu/clima/documentation/gas/index_en.htm) while the EEA "Trends and projections" reports can be accessed at: <http://www.eea.europa.eu/publications/>

### **1.3 Progress reports**

A “Progress Report” (required under Decision 280/2004/EC), based on the EU’s annual inventory and on the projections and policies and measures reports prepared by the Member States, is submitted annually by the Commission to the European Parliament and to the Council. The report assesses the actual and projected progress of Member States and the EU towards fulfilling their emission reduction commitments under the UNFCCC and the Kyoto Protocol. It also summarizes any progress on Community policies and measures resulting from the European Climate Change Programme (ECCP).

### **1.4 National Communications**

Parties to the Convention must submit national reports on implementation of the Convention to the Conference of the Parties (COP). The core elements of the national communications are information on emissions and removals of greenhouse gases and details of the activities a Party has undertaken to implement the Convention. National communications contain information on national circumstances, policies and measures, vulnerability assessment, financial resources and transfer of technology to developing countries, and education, training and public awareness. Annex I Parties that have ratified the Kyoto Protocol must include supplementary information in their national communications and their annual inventories of emissions and removals of GHGs to demonstrate compliance with the Protocol's commitments. The 5<sup>th</sup> National Communication has been submitted by 01.01.2010 while the 6<sup>th</sup> National Communication is due by 01.01.2014.

The national communications of all Parties are available through the UNFCCC site ([http://unfccc.int/national\\_reports/annex\\_i\\_natcom/submitted\\_natcom/items/4903.php](http://unfccc.int/national_reports/annex_i_natcom/submitted_natcom/items/4903.php) ) while the EU submissions are also available at DG CLIMA's website ([http://ec.europa.eu/clima/documentation/gas/index\\_en.htm](http://ec.europa.eu/clima/documentation/gas/index_en.htm) )

## **2. Review**

Both the national communications and the annual inventories submitted by Annex I Parties undergo an in-depth review under the UNFCCC (either centralized (in Bonn) or in-country), conducted by teams of independent experts nominated by Parties.

## **3. Compliance**

Under the Treaties, the European Commission is responsible for ensuring that EU law is correctly applied. An infringement means failure by a Member State to fulfill an obligation under EU law. If the Commission considers that there may be an infringement of EU law which warrants the opening of an infringement procedure, it addresses a "letter of formal notice", which formally notifies the Member State of the issue of concern to the Commission, requesting it to submit its observations by a specified date. A deadline is set by the Commission for a response from the Member State (normally two months). The Member State has to adopt a position on the points of fact and law communicated to it by the Commission. In the light of the reply, or absence of a reply, from the Member State concerned, the Commission may decide to address a "reasoned opinion". The deadline for response is again set by the Commission and is normally again two months. If the Member State fails to comply with the reasoned opinion, the Commission may decide to bring the case before the European Court of Justice.

## B. Future steps

### *1. The Revision of the Monitoring Mechanism Decision*

Analysis of the current monitoring mechanism suggests that it needs to be improved and aligned with recent EU legislation (adopted as part of the climate and energy package) and recent UNFCCC decisions:

- The climate and energy package as agreed between the Council and the European Parliament in 2008 introduced legislation that contains new requirements as regards monitoring and reporting by the Member States. In addition, future policy actions envisaged at the EU level require improved reporting of greenhouse gas emissions and removals and climate-related information. For example, the climate and energy package introduced a commitment for the emissions from international maritime shipping to be quantified in the EU's reduction commitments in case no international agreement including these emissions can be ratified by 2011. If relevant measures are adopted by the International Maritime Organization (IMO) or at the EU level then an appropriate monitoring and reporting system will need to be devised.
- Fighting climate change and reducing greenhouse gas emissions is one of the headline targets under the EU 2020 strategy. The Annual Growth Survey [http://ec.europa.eu/europe2020/tools/monitoring/annual\\_growth\\_survey\\_2011/index\\_en.htm](http://ec.europa.eu/europe2020/tools/monitoring/annual_growth_survey_2011/index_en.htm) reports on the progress made in achieving these headline targets which requires providing reliable information from the most recent year. Ideally, collection and release of data from Member States need to be accelerated in order to provide a faster feedback on whether climate policies achieve the desired results and, if necessary, to trigger corrective action.
- Directive 2008/101/EC to include aviation activities in the EU Emissions Trading Scheme (EU-ETS) stipulates that all climate impacts of aviation should be addressed to the extent possible. In the current reporting system, only CO<sub>2</sub> emissions from aviation are addressed. Besides CO<sub>2</sub>, aviation also has an impact on the global climate through releases of nitrogen oxides, water vapour and sulphate and soot particles. If all climate impacts are to be addressed, the amendment of reporting of the non-CO<sub>2</sub> impacts from aviation is necessary.
- As well as trying to combat climate change, there is also a need to adapt to its inevitable consequences. The current reporting requirements for Member States do not address climate change impacts, vulnerability and adaptation actions being taken. A considerable amount of information and research on climate change impacts, vulnerability, assessments and adaptation actions in Europe exists, but this information is very fragmented and not effectively shared across sectors and national or sub-national decision-makers. Besides that, more work is needed to make this information accessible to local decision-makers, the private sector and other professional bodies to allow them to respond appropriately to adaptation.
- Recent decisions taken under the UNFCCC require the modification and addition of reporting requirements for Member States related to the reporting of financial support provided to developing countries and to the reporting of emissions and removals from LULUCF activities to ensure and enhance the consistency of the EU and Member State reporting to the UNFCCC and to implement the international provisions in the EU.
- The experiences with the implementation of Decision 280/2004/EC and the cooperation with Member States have also shown that there are areas in which the transparency, accuracy, consistency and efficiency of the existing monitoring and reporting system should be further improved and in which the monitoring and reporting of climate information should be better streamlined with reporting requirements under other EU legal instruments.
- Finally, there is a question about the accessibility of the information and the user friendliness of the various products (e.g. database, technical reports and annual reports).

To achieve the above objectives a good and thorough understanding of stakeholders' needs is indispensable. Thus within the on-going process of the revision of the Monitoring Mechanism Decision a public consultation is carried out on the basis of the following questionnaire.