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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.10.2004
C (2004) 3982 / 8 final

COMMISSION DECISION

of 20 October 2004

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

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(Only the Estonian 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 Estonia for the period 2005-2007, developed under Article 9(1) of Directive 2003/87/EC, was registered by the Commission on 10 May 2004. Estonia submitted additional information amending and completing the notified plan by letter dated 14 September 2004 in reply to questions from the Commission and by letter dated 7 October 2004.
- (2) The Climate Change Committee has considered the national allocation plan and has called on the Commission *inter alia* to compare the proposed allocation to Estonia's projections and measures for the non-trading and trading sectors, including in particular assumptions made (on growth rates), and urged the Commission to compare Estonia'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 urged the Commission to scrutinise the allocation to installations listed in the plan on the basis of paragraph 54 of the Commission's allocation guidance and the admissibility under Directive 2003/87/EC to allocate allowances for *force majeure* purposes to 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/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 letter of Estonia dated 7 October 2004 regarding the decision to reduce its total allocation by 2,700,000 tonnes of allowances per year with respect to the plan notified on 10 May 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) 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 Estonia 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 Estonia according to its national allocation plan including subsequent information notified to the Commission by letter received on 7 October 2004 to installations listed therein 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.

Article 4

This Decision is addressed to the Republic of Estonia.

³ OJ L 49, 19.02.2004, p. 1.

Done at Brussels, 20 October 2004