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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.12.2004
C(2004)5298

COMMISSION DECISION

of 27 December 2004

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

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(Only the Hungarian 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 Hungary for the period 2005-2007, developed under Article 9(1) of Directive 2003/87/EC, was notified to the Commission on 8 October 2004. Hungary submitted additional information amending and completing the notified plan in reply to questions from the Commission by letters dated 9, 14 and 15 December 2004.
- (2) The Climate Change Committee has considered the national allocation plan and has urged the Commission to compare the proposed allocation to Hungary's projections for the non-trading and trading sectors, including in particular assumptions made (on growth rates), to compare Hungary's allocation to recent historic and projected emissions, and to examine whether the potential of the trading sector to reduce emissions is adequately reflected. 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.
- (4) 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

¹ OJ L 275, 25.10.2003, p. 32.

² COM(2003)830 final

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.

- (5) 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.
- (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 Hungary 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 Hungary according to its national allocation plan to installations listed therein, including subsequent information notified to the Commission by letters dated 9, 14 and 15 December 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 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.

Article 3

This Decision is addressed to the Republic of Hungary.

Done at Brussels, 27 December 2004

For the Commission

³ OJ L 49, 19.02.2004, p. 1.