



The document *Guidelines for the Coordinated Transfer of EU Legislation in the Field of Climate Change* was compiled by the European Academy of Bozen/ Bolzano (EURAC), Italy, as an output of Activity 4.1 of the project Low Carbon South East Europe (LOCSEE) (SEE/D/0166/2.4/X).

LOCSEE is co-funded by the EU's South East Europe Transnational Cooperation Programme.

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available online: [Section I \(http://www.locsee.eu/guidebook-report.php?id=84\)](http://www.locsee.eu/guidebook-report.php?id=84)

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## INTRODUCTION



The European Union (EU) is committed to transformation into a highly energy efficient low-carbon economy, and to this end it has adopted legally binding targets for reducing its greenhouse gas (GHG) emissions up to 2020 with a view towards 2050.

In March 2007, the European Council committed Europe to cutting its GHG emissions to 20 percent below 1990 levels and to increasing the share of renewable energy sources (RES) in EU energy consumption to 20 percent by 2020. These objectives were further clarified by the European Commission (EC) in Communication (2008) 30 (20/20 by 2020 – Europe's climate change opportunity) and enacted via a package of binding legislation, the so-called Climate and Energy Package, in 2009. This framework combines four complementary legislative approaches: the reform of the EU Emissions Trading Scheme (ETS) via a review of the EU ETS Directive and the application of a new regime from 2013; the establishment of national binding targets for emissions from sectors not included in the EU ETS (the Effort Sharing Decision - ESD); the adoption of national renewable energy targets (the Renewable Energy Directive); and a legal regime on carbon capture and storage (CCS) technologies (the CCS Directive).

The objective of cutting 20 percent of energy consumption through energy efficiency was addressed via an ad hoc plan in 2011 and by the Energy Efficiency Directive (2012).

Building on this expanded legal foundation, EU climate legislation further evolved with the inclusion of new issues (forestry and agriculture, energy performance of buildings etc.) and amendments to existing instruments (on fuels, transportation etc.). Other implementing acts have been developed to regulate several procedural aspects (monitoring and reporting on emissions, verification, accreditation of verifiers etc.).

In the long term, the EC's "Roadmap for moving to a competitive low-carbon economy in 2050" sets out a cost-effective pathway for achieving far deeper emissions cuts by the middle of the century.

The LOCSEE project aims to strengthen the capacity and knowledge of public authorities and other insti-

tutions dealing with climate change. Understanding, implementing and enforcing EU climate change legislation is essential in order to address the emerging challenges and meet the GHG emissions reduction targets adopted by the EU.

### **In this context, the present guidelines aim to:**

- list all sectoral and cross-sectoral legal acts related to climate change;
- facilitate understanding of each binding instrument via an overview of the main obligations, tools, institutional innovations, objectives, and quantitative and qualitative targets;
- identify interconnections among different legislative acts in the interests of coherent and efficient implementation; and
- outline the evolution of EU climate legislation by identifying the amendments and repeals connected to each of the analysed legislative acts and by referring to recent legislative proposals that are currently under discussion and that might enter into force in the near future.

The guidelines are directed primarily at beneficiary countries of the Instrument for Pre-accession Assistance (IPA), which are required to align their national legislation with the *acquis communautaire* in the fields of climate action and ozone layer protection (among other things) before full membership is granted. The guidelines therefore aim to provide IPA countries with an appropriate tool in the form of a concise but comprehensive overview of each relevant legislative act (decisions, directives and regulations).

### **The guidelines are divided into two sections:**

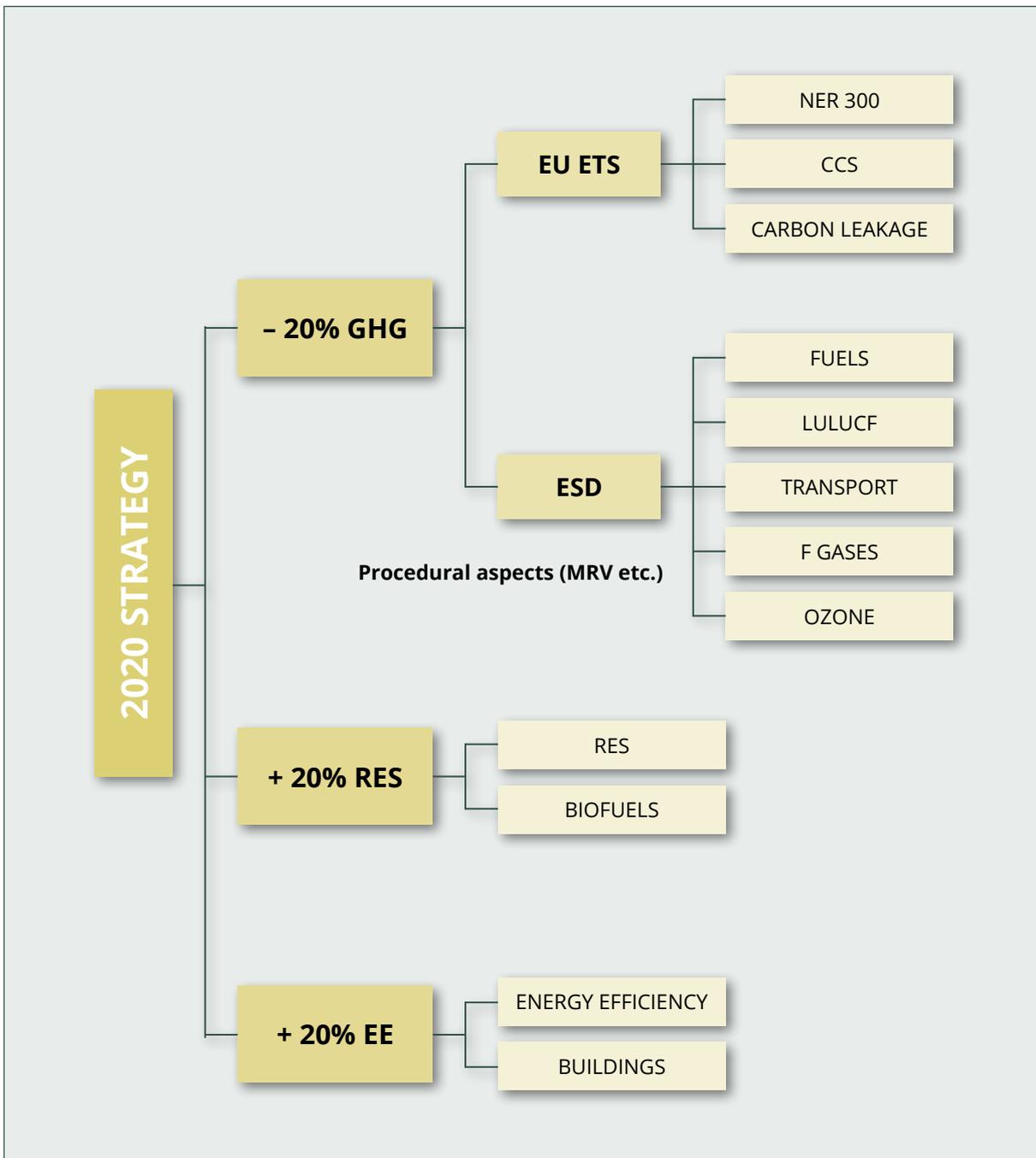
- The first section comprises a series of factsheets, each analysing an EU legislative act related to climate change. The factsheets are grouped according to sector. This section also contains a list of legislative proposals, anticipating the future development of EU law in this field. It offers an overview of relevant strategic documents, and further implementation inputs and guidelines can be found in the bibliography.
- The second section explores legislative synergies based on the numerous cross-references contained in the acts analysed in the first section. It also offers recommendations for more coherent and efficient implementation at national level.



### Conceptual map: Legal framework for achieving the 20-20-20 targets

The table below seeks to visualise the development of EU legislation on climate change as already explained in the Introduction. It highlights the relevant connections between the final objectives (the 20-20-20 targets) and their enacting instruments.

#### The Kyoto Protocol and EU emission levels



Section 2

**LEGISLATIVE  
SYNERGIES AND  
RECOMMENDATIONS  
FOR JOINT  
IMPLEMENTATION**

# 1 STRUCTURE OF SECTION II

The second section of the guidelines aims to identify and highlight the multiple connections among the legislative acts analysed individually in Section I. It offers recommendations for the joint implementation of connected acts in order to avoid unnecessary efforts on the part of IPA countries when adopting EU climate change law.

**This section comprises different levels of analysis:**

- Paragraph 2. contains a detailed examination of significant cross-references that determine Member States' obligations or that are relevant for national authorities.
- Only a few of the examined connections require joint implementation, define differing respon-

sibilities on the part of the same authority, or involve the use of the same procedures, and these cases are further explored in Paragraph 3.

- Finally, by highlighting the links between acts involving identical procedures or the same authority, specific obligations for joint implementation and additional recommendations are elaborated in Paragraph 4. in order to facilitate the transfer process and reduce the associated costs.

To support the analysis developed in Paragraph 2, additional links and an explanation of additional provisions are provided in the annex. Each table in Paragraph 2 and the annex corresponds to a legislative act and follows the same format:

Name of the legislative act	
Links to	Analysis
Name of the connected act, with reference to relevant provisions	Explanation of significant cross-references

# 2 ANALYSIS OF RELEVANT CROSS-REFERENCES

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

## Links to

- Directive 96/61/EC, through Articles 2 and 8
- Directive 96/61/EC was repealed by Directive 2008/1/EC, which in turn was repealed by Directive 2010/75/EU

## Analysis

As a consequence of legislative evolution, and due to successive repeals, the conditions of and procedure for issuing a GHG emissions permit for activities listed in Annex I must be coordinated with the relevant provisions contained in Directive 2010/75/EU.

In particular, from January 1, 2005, neither existing installations nor new ones are allowed to operate without a permit. Applications for GHG emissions permits involve specific requirements, depending on the category of the installation. Such specificities also influence the content of the permit. The competent authority/ies will grant a permit if the requirements have been met, if the application includes relevant information and a description of the necessary measures for compliance, and if relevant conditions for use are established. Permits must be updated in the event of changes to the installation or to its operator.

The various chapters of Directive 2010/75/EU contain detailed regulations for the different categories of installations.

- Decision 280/2004/EC, through Articles 10(4), 29 and 30(3)
- Decision 280/2004 was repealed by Regulation (EU) No 525/2013, which in turn links to Directive 2003/87/EC

According to Articles 1, 2 and 17(1)(b)-(c)-(e), Regulation (EU) No. 525/2013 establishes a mechanism for reporting the use of revenues generated from auctioning stationary installation and aviation allowances and project credits. Part of these revenues must be invested for specific purposes, and Member States must report to the EC on their use as well as on project activities related to hydroelectric power production with a generating capacity exceeding 20 MW.

Articles 5.2(a) and 7.1(k and l) of Regulation (EU) No. 525/2013 determine that, in order to compile their national GHG inventories, member states must guarantee national inventory authorities access to data and methods reported for activities and installations regulated by Directive 2003/87/EC.



- Directive 91/692/EEC through Article 21

When reporting to the EC on the application of Directive 2003/87/EC, member states must use a questionnaire/template drafted by the EC with the assistance of the Climate Change Committee.

## Commission Regulation (EU) No. 389/2013 establishing a Union Registry

### Links to

- Decision 280/2004/EC through Article 8(5)
- This decision was repealed by Regulation (EU) No. 525/2013

### Analysis

Article 8(5) determines that the central administrator, national administrators and competent authorities carry out processes in accordance with their functions as established in relevant acts (Directive 2003/87/EC; Decision No. 406/2009/EC; and Regulation [EU] No. 525/2013, since it repealed Decision 280/2004/EC).

- Decision 406/2009/EC through Articles 4(3), 8(5), 74(1), 80, 81, 82, 85, 87, 88, 89 and 100(2)

According to Article 4(3), the Union Registry must be used by Member States for all processes related to the maintenance of holding accounts, for the accurate accounting of transactions and their automatic checking, and for meeting all other relevant obligations (Directive 2003/87/EC, Article 19; and Decision 406/2009/EC, Article 11).

Article 8(5) states that the central administrator, national administrators and competent authorities must carry out processes in accordance with their functions as established in relevant acts (Directive 2003/87/EC; Decision No. 406/2009/EC; and Regulation [EU] No. 525/2013, since it repealed Decision 280/2004/EC).

Article 74(1) foresees the creation of a specific quantity of annual emission allocation units (AEAs) by the central administrator, and refers to Articles 3(2) and 10 of Decision 406/2009/EC for the calculation and adjustment of Member States' AEAs for all years of the compliance period (2013–2020). These allocations must therefore be determined within six months of the availability of reviewed and verified emissions data, and each member state must annually decrease its GHG emissions in a linear manner in order to achieve conformity with the limit by 2020. The maximum quantity of emissions for each Member State is adjusted according to the specific parameters contained in Article 10 of Decision 406/2009/EC.





In relation to compliance status figures, Article 80 requires Member States to apply corrective actions (Article 7[1] of Decision 406/2009/EC) in the case of a negative figure.

According to Article 81, Member States may not proceed with the transfer of international credits (tCERs and ICERs) if the conditions for using project activity credits (Article 5 of Decision 406/2009/EC) have not been respected.

Article 82 determines that a carry forward of AEAs may not be processed if the applicant Member State has requested to transfer more than 5 percent of the following year's AEA, or a higher percentage if an increased carry forward has been granted by the EC (Article 3[2], [3] of Decision 406/2009/EC).

Article 85 determines that a carry forward of AEAs towards another Member State may not be processed if the initiating Member State has requested to transfer more than 5 percent of its AEA in the relevant year (Article 3[2] of Decision 406/2009/EC).

According to Article 87, a Member State may not transfer the whole or a portion of its credit entitlement for a given year to another Member State if the transferred quantity exceeds a Member State's allowed quantity equal to 3 percent (Article 5[6] of Decision 406/2009/EC) less the sum of international credits, tCERs or ICERs contained in the ESD Compliance Account at the moment of determining the compliance status figures.

Article 88 determines that any adjustment or modification carried out according to Article 10 of Decision 406/2009/EC may lead to an increase or decrease in a Member State's AEA during the compliance period.

Article 89 refers to the regime for the continuous replacement of tCERs and ICERs from afforestation and reforestation projects (Article 5[1] of Decision 406/2009/EC).

According to Article 100(2), the automated checking of processes carried out by the European Union Transaction Log (EUTL) must verify conformity with the relevant requirements of Directive 2003/87/EC; Decision 406/2009/EC; and this regulation.





- Decision 2011/278/EU through Article 44(4)

Article 44(4) refers to the regime for allocation to new entrants or allocation to new entrants following a significant capacity extension, as regulated in Articles 19 and 20 of Decision 2011/278/EU.

- Directive 2003/87/EC through Articles 4(3), 8(5), 17(3), 25(10), 28(2), 29, 34(10), 35(4)-(6)-(7), 41(1)-(2), 55(2)(a)(b), 68(1), 69 and 71

According to Article 4(3), the Union Registry must be used by Member States for any process related to the maintenance of holding accounts, for the accurate accounting of transactions and their automatic checking, and for meeting any other relevant obligations (Article 19 of Directive 2003/87/EC; and Article 11 of Decision 406/2009/EC).

Article 8(5) determines that the central administrator, national administrators and competent authorities must carry out processes in accordance with their functions as established in relevant acts (Directive 2003/87/EC; Decision No. 406/2009/EC; and Regulation [EU] No. 525/2013, which repealed Decision 280/2004/EC).

According to Article 17(3), an aircraft operator with total annual emissions lower than 25,000 tonnes of carbon dioxide equivalent, or operating fewer than 243 flights per period for three consecutive four-month periods, may mandate a natural or legal person to open an appropriate account and surrender allowances equal to its total emissions during the preceding calendar year from aviation activities by April 30 each year (Article 12[2a] of Directive 2003/87/EC).

Article 25(10) refers to the opportunity to change the administering Member State of an aircraft operator, as regulated by Article 18(a) of Directive 2003/87/EC.

According to Article 28(2), in the case of the closure of an installation excluded from the EU scheme (Article 27 of Directive 2003/87/EC), the national administrator does not have to close the corresponding holding account.

Article 29 determines the closure of an aircraft operator holding account by the national administrator if the relevant operator has ceased activities covered by Annex I of Directive 2003/87/EC.

Article 34(10) refers to the establishment of a surrender time limit, corresponding to April 30 each year (Article 12[2a]-[3] of Directive 2003/87/EC).





For the satisfactory verification of an (aircraft) operator's report, Article 35(4) refers to Article 15 of Directive 2003/87/EC. Paragraph 6 specifies that annual verified emissions data must be corrected in order to comply with monitoring and reporting, verification and accreditation requirements (Articles 14 and 15 of Directive 2003/87/EC). According to paragraph 7, these requirements will guide the calculation of emissions in the event of failure to submit verified emissions by May 1 each year.

Article 41(1) determines that a central administrator may create or cancel accounts and allowances as made necessary by, among others:

- the allocation and issuing of allowances to aircraft operators (Article 3e[3] of Directive 2003/87/EC);
- the Community-wide quantity of allowances and potential adjustments (Articles 9 and 9a of Directive 2003/87/EC);
- the placing of up to 300 million general allowances in the new entrants' reserve to finance demonstration projects using carbon capture and storage (CCS) and renewable energy technologies (Article 10a[8] of Directive 2003/87/EC); and
- the use of CERs and ERUs from project activities in the Community scheme (Article 11a of Directive 2003/87/EC).

According to paragraph 2 of Article 55, a Member State must notify the EC of changes to its national aviation allocation table in relation to allocations from the special reserve and adjustments due to the adoption of third-country measures to reduce the climate change impacts of aviation.

According to Article 68(1), which refers to Article 12(4) of Directive 2003/87/EC, whenever an account holder requires the cancellation of allowances, the relevant Member State and the central administrator must guarantee that the Union Registry performs such a deletion. The same is valid in relation to Kyoto units, as set out in Article 69.

In the case of non-binding arrangements concluded with third countries, sub-federal or regional entities in order to set up links with other GHG emissions trading schemes (Article 25[1b] of Directive 2003/87/EC), Article 71 determines the obligation on the central administrator to undertake operations for the effective implementation of these arrangements.





- Directive 2005/60/EC through Article 98(2)-(3)-(4)

Each Member State must establish a Finance Intelligence Unit (FIU) to combat money laundering and terrorist financing. This entity must be promptly informed by the national administrator, its directors and its employees, if they know or suspect that such illegal activities are taking place. Relevant national measures – including those establishing restrictions on, or prohibiting, the disclosure of information and requiring national credit and financial institutions to have systems in place allowing for a rapid and complete response to enquiries from the FIU – are binding for national administrators (Articles 21, 26, 29, 32, 34[1] and 35 of Directive 2005/60/EC).

- Regulation (EU) No. 920/2010 through Article 41(1).
- The regulation has been repealed mainly by the act analysed in this table.

Article 41(1) determines that a central administrator may create or cancel accounts and allowances as made necessary by the requirements of various laws, including:

- allowances for each open aircraft operator holding account that are equal to the allocation set out in the EU aviation allocation table (Article 41[1] of Regulation [EU] No. 920/2010, mainly repealed).

- Regulation (EU) No. 1031/2010 through Articles 41(1) and 110(10)

Article 41(1) determines that a central administrator may create or cancel accounts and allowances as made necessary by the requirements of various laws, including:

- the annual volume of Member States' auctioned allowances for stationary installations (Article 10[1] of Regulation [EU] No. 1031/2010).

Article 110(10) recalls Article 24 of Regulation (EU) No. 1031/2010 when mentioning that the auction monitor should have access to all information about the auction delivery account held in the Union Registry. Member States appoint an auction monitor through a joint procurement procedure between them and the EC to oversee all auction processes and properly report on them.

## Commission Regulation (EU) No. 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances

### Links to

- Directive 2003/6/EC through Articles 22(4), 28 (4)-(5), 36(1)-(2) and 43(1)-(2)-(3)-(4)

### Analysis

The second sub-paragraph of Article 22(4) determines that, in the case of the unauthorised disclosure of inside information to a person working for an auctioneer, this person should be removed from the auctions in order to avoid market abuse in line with national arrangements/procedures and on the basis of cooperation between competent national authorities (Articles 11 and 16 of Directive 2003/6/EC).

Articles 28(4) and 36(1) affirm the necessity to apply the market abuse regime foreseen in Directive 2003/6/EC with respect to auctions of allowances conducted on the secondary market where two-day spot or five-days futures are financial instruments (according to the definition in Article 1[3] of Directive 2003/6/EC), without prejudice to the provisions on insider dealing (Articles 38–40 of this regulation). Otherwise, Articles 28(5) and 36(2) highlight that where two-day spot and five-days futures are not financial instruments, they are subject to the abuse regime established in Articles 37–43 of the present regulation.

The content of Articles 43(1)-(2)-(3)-(4) is particularly relevant since it foresees that the competent national bodies — created pursuant to Directive 2003/6/EC (Article 11) — are also responsible for compliance with Articles 37–42 of this regulation. These bodies maintain all their supervisory and investigatory powers; can impose administrative measures and sanctions — without prejudice to appeal — and cooperate with one another (Articles 12, 14, 15 and 16 of Directive 2003/6/EC).

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- Directive 2004/39/EC through Articles 35(4)-(5)-(6) and 56(1)

According to Article 35(4), the appointment of an auction platform is dependent on the appropriate transposition of the regulated market regime, as well as of the provisions on competent authorities in the Member State where the regulated market and its market operator are established (Title III and Title IV of Directive 2004/39/EC). Pursuant to paragraphs 5 and 6, the national authorities created to enforce provisions on markets in financial instruments are also responsible for the authorisation



of a regulated market and shall maintain effective market oversight (Articles 48[1] and 50 of Directive 2004/39/EC). According to Article 56(1), the competent national authorities will also be notified of any market abuse by the auction platform concerned (Article 43[2] of Directive 2004/39/EC).

- Directive 2005/60/EC through Articles 20(6), 55(1)-(2)-(3)-(4) and 56(1)

Article 20(6) refers to measures to be applied by auction platforms with respect to transactions or business relationships with politically exposed persons (Article 13[4] of Directive 2005/60/EC).

Article 55 refers to various provisions of Directive 2005/60/EC (on the prevention of the use of the financial system for the purposes of money laundering and terrorist financing). In particular, paragraph 1 assigns additional duties to competent national authorities with supervisory powers, as referred to in Article 37(1)-(2)-(3) of the above directive. If an auction platform is held liable for infringements, it will be subject to the same penalties determined at national level pursuant to Article 39 of the above directive.

Paragraphs 2 and 3 foresee full cooperation between the auction platform and the Financial Intelligence Unit (FIU) of the relevant Member State in the case of money laundering, terrorist financing or criminal activities committed/attempted in the auctions (Article 21 of Directive 2005/60/EC). A person(s) responsible for forwarding relevant information is designated pursuant to Article 34(1) of Directive 2005/60/EC.

Paragraph 4 states that the national measures transposing specific provisions of Directive 2005/60/EC (in particular Articles 26, 29, 32, 34[1] and 35) also apply to the appointed auction platform.

Article 56(1) establishes the application of national measures transposing Article 25(2) of Directive 2005/60/EC and requires the auction platform to notify the FIU of facts related to money laundering or terrorist financing.

Regulation (EC, Euratom) No. 1605/2002 and Regulation (EC, Euratom) No. 2342/2002 through Articles 24(2) and 26(3) The appointment of an auction monitor and auction platform, referred to in Articles 24(2) and 26(3) respectively, must be carried out according to the joint procurement procedure in line with the third sub-para-





graph of Article 91(1) of Council Regulation (EC, Euratom) No. 1605/2002; and Article 125c of Council Regulation (EC, Euratom) No. 2342/2002.

### Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances

#### Links to

- Decision 2010/2/EU through Articles 6(1), 10(4)-(5), 15(2)(d)-(f), 16 and 17(4)

- Directive 2003/87/EC through Articles 5(1)-(2), 10(4)-(9) and 15(1)-(2)

#### Analysis

In order to determine whether a sector or sub-sector can be deemed to be exposed to a significant risk of carbon leakage, all these articles refer to Decision 2010/2/EC, which contains an ad hoc list of sectors and sub-sectors exposed to a significant risk of carbon leakage.

According to paragraphs 1 and 2 of Article 5, a Member State must identify installations on its territory that are eligible for free allocations under Article 10a of Directive 2003/87/EC, as well as heat-producing generators and small installations that may be excluded from the EU scheme pursuant to Article 27 of the same directive.

Article 10(4) indicates the factor that should be applied to the preliminary annual number of emission allowances allocated free of charge to each sub-installation in order to ensure a linear decrease, as established in Article 10a(11) of Directive 2003/87/EC. The factor changes depending on the sector or sub-sector of each sub-installation based on the list of the sectors and sub-sectors exposed to a significant risk of carbon leakage (Article 10a[13], Directive 2003/87/EC).

Paragraph 9 defines how to calculate the final total amount of emission allowances allocated free of charge for each incumbent installation, specifying a different calculation method for electricity generators, installations for the capture of carbon dioxide, pipelines for the transportation of carbon dioxide, or carbon dioxide storage sites (Article 10a[3]-[4] of Directive 2003/87/EC).

Article 15(1) reaffirms the obligation on Member States to submit a list of installations included in the EU scheme (Article 11[1] of Directive 2003/87/EC), and paragraph 2 details the infor-





mation to be contained in this list, including installations excluded from the scheme (Article 27 of Directive 2003/87/EC).

Commission Regulation (EU) 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers

**Links to**

- Directive 2003/87/EC through Article 69(2)

Article 69(2) foresees the designation of a focal point among the national competent authorities designated according to Article 18 of Directive 2003/87/EC, in order to coordinate the exchange of information and effective cooperation between the national competent authorities, the national accreditation body and the national authority entrusted with the verification of verifiers.

- Regulation (EU) No. 601/2012 through Article 68(1)-(2)

According to Article 68(1)-(2), Member States may require a verifier to submit verification reports as well as exchange communications with (aircraft) operators, competent authorities and national accreditation bodies through an automated system for electronic data exchange based on the EU ETS reporting language (Article 74[1]-[2] of Regulation [EU] No. 601/2012).

- Regulation (EC) No. 765/2008 through Articles 5, 54(1)-(2)-(3), 60, 63, 64(1)-(2)-(3)-(4), 66(2) and 75

Article 5 refers to the application of the regime laid down in Regulation (EC) No. 765/2008, where the present regulation does not lay down specific provisions on the composition of national accreditation bodies or the activities and requirements linked to accreditation.

According to paragraph 1 of Article 54, national accreditation bodies established by Article 4(1) of Regulation (EC) No. 765/2008 are also responsible for accreditation activities pursuant to this act. However, where a Member State allows for the certification of verifiers that are natural persons, paragraphs 2 and 3 clarify that the national authority in charge will be other than the national accreditation body, and that it must meet the relevant requirements and provide the required documentary evidence (Article 5[2] of Regulation [EC] No. 765/2008).





Article 60 refers to the application of the requirements established in Article 8 of Regulation (EC) No. 765/2008 to national accreditation bodies.

Article 63 restates the need for national accreditation bodies to develop measures to safeguard the confidentiality of the information obtained (Article 8[4] of Regulation [EC] No. 765/2008).

According to paragraph 1 of Article 64, the entity carrying out the peer evaluation of national accreditation bodies is established according to the procedure set out in Article 14 of Regulation (EC) No. 765/2008. The following paragraphs refer to the specific activities and responsibilities of this entity. According to paragraph 2 of Article 66, Member States may accept the accreditation certificates of verifiers accredited by a national accreditation body that has not undergone the complete peer review process provided that the body recognised under Article 14 of Regulation (EC) No. 765/2008 has started a peer evaluation for that body. The entity shall also foster communication between national accreditation bodies, national authorities and other relevant actors by facilitating and harmonising their access to the database of accredited verifiers established in Article 75.

### Commission Regulation (EU) 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions

#### Links to

- Decision 2011/278/EU through Article 12(3)

#### Analysis

According to this provision, Member States may require operators to include further elements in their monitoring plan on any planned or effective changes to the capacity, activity level and operation of an installation (Article 24[1] Decision 2011/278/EU).

- Directive 2003/87/EC through Articles 10 and 68(2)

Article 10 refers to Article 18 of Directive 2003/87/EC in relation to the coordination of national competent authorities.

According to Article 68(2), Member States must submit the tonne-kilometre data provided by aircraft operators in the case of force majeure at least 18 months before the start of the period to which the application for an allocation of free allowances





relates (Article 3e(2) of Directive 2003/87/EC). The EC will use those data to determine the number of allowances to be auctioned, the number of allowances to be put in the special reserve, and the number of allowances to be allocated free of charge from 2013 to 2020. Based on the same data and the EC's decisions, Member States will consequently calculate and publish the total/annual allocation of allowances for each aircraft operator (Article 3e[3]-[4] of Directive 2003/87/EC).

- Directive 2009/28/EC through Article 53

According to Article 53, biofuels can be used for aviation activities after verifying their compliance with the sustainability criteria (Article 18 of Directive 2009/28/EC).

- Directive 2009/31/EC through Article 49(1) (a)-(b)-(c)

Article 49(1)(a)-(b)-(c) refers to storage sites permitted under Directive 2009/31/EC. This directive provides a specific definition of "storage site" in Article 3(3) and develops the specific regime applicable to the selection and operation of such a site.

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 (the NER300 Decision)

#### Links to

- Directive 2003/87/EC through Articles 2(3) and 11(2)-(6)

According to paragraph 3 of Article 2, eligible projects will receive funds of up to 50 percent of the relevant costs as complementary to the operators' co-financing. Support will be given via Member States and may not exceed 15 percent of the total number of allowances available (Article 10a[8] of Directive 2003/87/EC).

Article 11(2) determines how to calculate the disbursed amount of carbon dioxide in the case of CCS demonstration projects and refers to the procedures for monitoring, reporting and verifying the amount of carbon dioxide stored in the relevant year established in Articles 14 and 15 of Directive 2003/87/EC. This article therefore indirectly refers to Regulation (EU) No. 600/2012 and Regulation (EU) No. 601/2012. Paragraph 6 states that non-disbursed revenues will be passed to Member States in order to be auctioned (Article 10a[7] of Directive 2003/87/EC).

Commission Implementing Decision 2013/634/EU of 31 October 2013 on the adjustments to Member States' annual emission allocations for the period from 2013 to 2020

**Links to**

- Regulation (EU) No. 525/2013 through Article 2

**Analysis**

Article 2 is linked to Regulation (EU) No. 525/2013 and determines that Member States shall apply the adjustments established by that regulation to their annual emission allocations when submitting a GHG emission inventory determined using global warming potential values (GWPs) pursuant to the EC-adopted act that considers changes in GWPs and internationally agreed inventory guidelines in the framework of the UNFCCC and the Kyoto Protocol.

Regulation (EU) No. 525/2013 of the European Parliament and the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change

**Links to**

- Decision 406/2009/EC through Articles 7(1)(a)-(d) and 19(7)

**Analysis**

Article 17(1)(a) refers to the detailed justification that Member States have to submit to the EC when using credits from project types that cannot be used by operators in the EU scheme (Article 6[2] of Decision 406/2009/EC). Point (d) refers to information on the use, geographical distribution and types of credits from project activities as well as the qualitative criteria applied to them (Article 6[2] of Decision 406/2009/EC).

Paragraph 7 of Article 19 determines that national data recorded in the Union Registry (Article 11 of Decision 406/2009/EC; and Article 19 of Directive 2003/87/EC), including changes to such data arising as a result of the use by the Member State of the flexibilities provided (Articles 3 and 5 of Decision 406/2009/EC), are relevant for the application of corrective actions (Article 7[1] of Decision 406/2009/EC).

- Decision 529/2013/EU through Article 7(1)(d)-(2)-(8)

According to Article 7(1)(d), Member States must determine and report GHG emissions and CO<sub>2</sub> removals from LULUCF activities as well as other relevant information on these activities. Paragraph 2 specifies different reporting deadlines and para-



graph 8 determines the need to set out a specific procedure for the submission of these inventories.

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- Directive 2001/81/EC through Article 7(1)(b)

According to Article 7(1)(b), Member States must determine and report data on anthropogenic emissions of CO, SO<sub>2</sub>, NO<sub>x</sub> and volatile organic compounds consistent with national emission inventories and air pollutant emission projections (Article 7 of Directive 2001/81/EC) and the UNECE Convention on Long-Range Transboundary Pollution.

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  - Directive 2003/87/EC through Articles 1, 2, 5(2)(a), 7(1)(k)-(l) and 17(1)(b)-(c)-(e)

According to Articles 1, 2 and 17(1)(b)-(c)-(e), this regulation establishes a mechanism for reporting the use of revenues generated from auctioning allowances and project credits for both stationary installations and aviation. Part of these revenues must be invested for specific purposes and Member States must report to the EC on their use as well as on hydroelectric power production project activities with a generating capacity exceeding 20 MW (Articles 3d[4] and 10[3] of Directive 2003/87/EC).

According to Articles 5(2)(a) and 7(1)(k)-(l), in order to compile their national GHG inventories, Member States must guarantee national inventory authorities access to the data and methods reported for activities and installations regulated by Directive 2003/87/EC.

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  - Regulation (EC) No. 166/2006 through Article 5(2)(c)

In order to compile their national GHG inventories, Member States must guarantee national inventory authorities access to data reported in the European Pollutant Release and Transfer Register.

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  - Regulation (EC) No. 842/2006 through Article 5(2)(b)-(3)(a)

Article 5(2)(b) determines that, in order to compile their national GHG inventories, Member States must guarantee national inventory authorities access to data on F gases in relevant sectors. According to paragraph (3)(1), for a correct estimation of these data, national inventory authorities must use the appropriate reporting systems (Article 6[4] of Regulation [EC] No. 842/2006).

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  - Regulation (EC) No. 1099/2008 through Article 5(2)(d)

Article 5(2)(d) determines that, in order to compile their national GHG inventories, Member States must guarantee national inventory authorities access to data referring to energy statistics.
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Decision No. 406/2009/EC of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

**Links to**

- Decision 2002/358/EC through Article 5(1)(d)

**Analysis**

This article refers to tCERs and ICERs from afforestation and reforestation projects used by a Member State towards the fulfilment of its obligations under the EU's joint commitments for the Kyoto Protocol period 2008–2012.

- Directive 2003/87/EC through Articles 5(1)-(2)-(7) and 11(2)

Paragraph 1 of Article 5 allows Member States to use CERs and ERUs, which are established by Article 11a of Directive 2003/87/EC. Since an international climate change agreement was not concluded by December 31, 2009, paragraph 2 permits the use of credits from projects or activities belonging to agreements concluded with third countries. Paragraph 7 determines that, towards their emission reduction commitments, Member States can use credits from Community-level projects reducing GHG emissions not covered by the EU scheme (Article 24a of Directive 2003/87/EC).

Article 11(2) entrusts to the Central Administrator, established in Article 20 of Directive 2003/87/EC, the carrying out of an automated check on each transaction and the opportunity to block transactions to ensure there are no irregularities.

Directive 2009/31/EC of 23 April 2009 on the geological storage of carbon dioxide

**Links to**

- Directive 2004/35/EC through Articles 11(4) and 17(2)-(4)

**Analysis**

According to Article 11(4), after a permit has been withdrawn and until a new permit is issued, the competent authority temporarily takes over all legal obligations, including preventive action in the case of imminent threat of damage and remedial measures for damage that has occurred (Articles 5[1] and 6[1] of Directive 2004/35/EC).

Article 17 regulates the closure of storage sites and, depending on the reason for such closure, determines the subject (operator or competent author-





ity) responsible for obligations relating to the corrective measures established in Articles 5 to 8 of Directive 2004/35/EC.

### Directive 98/70/EC of 13 October 1998 relating to the quality of petrol and diesel fuels

#### Links to

- Directive 2003/87/EC through Article 7a(2)(c)

Article 7a(2)(c) establishes an indicative additional 2 percent GHG emission reduction per unit of energy from fuel and energy supplied, to be achieved by the use of credits purchased through the Clean Development Mechanism as regulated in Articles 11a and 11b of Directive 2003/87/EC.

- Regulation (EC) No. 1059/2003 through Article 7d(2)

Article 7d(2) refers to specific classifications in the nomenclature of territorial units for statistics (NUTS) established in Regulation (EC) No. 1059/2003.

### Decision 529/2013/EU on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities

#### Links to

- Regulation (EU) No. 525/2013 through Articles 6(6) and 10(1)

#### Analysis

According to Article 6(6), in the accounting for forest management Member States must communicate appropriate technical corrections and improved data to the EC at the latest as part of their national GHG inventory (Article 7[1][d] of Regulation (EU) No. 525/2013).

Article 10(1) determines that information on national current and future LULUCF actions to limit or reduce emissions and maintain or increase removals must be communicated by Member States to the EC within 18 months of the beginning of each accounting period and must be included in national low-carbon development strategies (Article 4 of Regulation [EU] No. 525/2013).

## Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources

### Links to

- Regulation (EC) No. 1099/2008 through Article 5(7)

### Analysis

Article 5(7) requires the use of the calculation methodology and definitions contained in Regulation (EC) No. 1099/2008.

- Regulation (EC) No. 73/2009 through Article 17(6)

Article 17(6) requires the application of the relevant provisions of Regulation (EC) No. 73/2009 to the cultivation of raw materials for the production of bio-fuels and bioliquids.

- Regulation (EC) No. 1059/2003 through Article 19(2)

Article 19(2) refers to specific classifications set out in the nomenclature of territorial units for statistics (NUTS) established in Regulation (EC) No. 1059/2003.

## Directive 2010/31/EU of 19 May 2010 on the energy performance of buildings

### Links to

- Directive 2009/72/EC through Article 8(2)

### Analysis

Article 8(2) is linked to point 2 of Annex I to Directive 2009/72/EC, as it foresees the promotion at national level of intelligent metering systems in new and renovated buildings to assist the active participation of consumers in the electricity supply market.

- Regulation (EC) 842/2006 through Article 15(3)

Article 15(3) requires Member States to carry out leakage inspections of air-conditioning systems in accordance with the containment measures established in Regulation EC No. 824/2006.

## Directive 2012/27/EU of 25 October 2012 on energy efficiency

### Links to

- Directive 2001/42/EC through Article 14(3)

### Analysis

According to Article 14(3), in order for Member States to assess the potential of high-efficiency cogeneration and district heating and cooling



to meet national needs, they must carry out a cost-benefit analysis to identify the most resource- and cost-efficient solutions. The cost-benefit analysis may be part of the assessment of the effects of certain plans and programmes on the environment under Directive 2001/42/EC (especially Articles 3 to 10).

- Directive 2004/18/EC through Article 6(1)

Article 6(1) refers to Article 7 of Directive 2004/18/EC by determining that, in order to ensure that central governments purchase only products, services and buildings with high energy efficiency, the contract value must be equal to or greater than EUR 134,000.

- Directive 2009/72/EC through Articles 9(2), 10(2), 14(7) and 15(1)

According to Articles 9(2) and 10(2), intelligent metering systems for natural gas and/or electricity implemented at national level need to conform to the relevant provisions of Directive 2009/72/EC and 2009/73/EC. These systems must allow for the collection of accurate billing information.

Article 14(7) requires Member States to adopt authorisation criteria according to Article 7 of Directive 2009/72/EC in order to take into account the outcome of the comprehensive assessment and of the cost-benefit analysis developed in relation to the potential for the application of high-efficiency cogeneration and efficient district heating and cooling.

According to Article 15(1), energy efficiency should guide the national energy regulatory authorities established by Directive 2009/72/EC (Articles 35 to 37) and Directive 2009/73/EC (Articles 39 to 41) in implementing their tasks and taking decisions on the operation of the gas and electricity infrastructure.

- Directive 2009/73/EC through Articles 9(2), 10(2) and 15(1)

According to Articles 9(2) and 10(2), intelligent metering systems for natural gas and/or electricity implemented at national level must conform to the relevant provisions of Directive 2009/72/EC and 2009/73/EC. These systems shall enable the collection of accurate billing information.

According to Article 15(1), energy efficiency should guide national energy regulatory authorities - established in Directive 2009/72/EC (Articles 35 to 37) and





Directive 2009/73/EC (Articles 39 to 41) – in implementing their tasks and taking decisions on the operation of the gas and electricity infrastructure.

- Directive 2010/31/EU through Articles 5(1) and 9(1)

According to Article 5(1), Member States are obliged to renovate 3 percent of the total floor area of the heated and/or cooled buildings of public bodies each year and to meet the national minimum energy performance requirements developed pursuant to Article 4 of Directive 2010/31/EU. These requirements serve as a reference when deciding the priority of energy efficiency interventions.

Article 9(1)(b) refers to the obligation set out in Article 8(2) of Directive 2010/31/EC, which encourages Member States to introduce intelligent metering systems when a new building is constructed or when a building undergoes major renovation.

- Directive 2010/75/EU through Articles 14(9) and 15(9)

According to Article 14(9), Member States must apply the cost-benefit analyses and relevant provisions (paragraphs 5, 6, 7 and 8 of Article 14) to industrial installations covered by Directive 2010/75/EC.

Article 15(9) requires Member States to include specific information in reports developed under Article 72 of Directive 2010/75/EC.

- Regulation (EC) No. 714/2009 through Article 15

According to Article 15, when developing electricity network regulations and tariffs, Member States must take into consideration any guidelines or codes determining conditions for access to networks for cross-border exchanges of electricity (Regulation [EC] No. 714/2009).

Commission Implementing Regulation (EU) No. 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles

**Links to**

- Directive 2007/46/EC through Article 8

**Analysis**

This provision requires Member States to inform the EC of the number of registered vehicles subject to national type-approval of small series or to individual approvals regulated by Articles 23 and 24 of Directive 2007/46/EC respectively.





- Regulations (EU) No. 1014/2010 and 510/2011 through Article 7

In order to respect the specific emission target for alternative-fuel light commercial vehicles (Article 6 of Regulation [EU] No. 510/2011), Member States must report specific information relating to filling stations supplying ethanol (E85) fuel and their proportion in the respective territory of the Member State.

### Regulation (EU) No. 510/2011 of 11 May 2011 setting emission performance standards for new light commercial vehicles

#### Links to

- Regulation (EC) No. 443/2009 through Article 8(8)

#### Analysis

According to Article 8(8), the national authority responsible for collecting and communicating relevant monitoring data on the emission performance of new light commercial vehicles is the same body, established according to Article 8(7) of Regulation (EC) No. 443/2009, that is responsible for collecting and communicating relevant monitoring data on emission performance standards for new passenger cars.

### Regulation (EU) No. 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars

#### Links to

- Directive 2007/46/EC through Articles 3 and 7(1)

#### Analysis

According to Article 3, Member States must take into account information on the purpose of EC type-approval of vehicles as well as information on test results (Annex III and VIII of Directive 2007/46/EC respectively) when preparing aggregated and detailed monitoring data on the registration of new passenger cars.

Article 7(1) determines that Member States must communicate to the EC the number of cars registered in their territory that are subject to national type-approval of small series or individual approvals as established in Articles 23 and 24 of Directive 2007/46/EC respectively.

Regulation (EC) No. 308/2008 of 2 April 2008 establishing the format for notification of the training and certification programmes of the Member States

**Links to**

- Regulation (EC) No. 842/2006 through Article 1

**Analysis**

Article 1 links to Article 5(2) of Regulation (EC) No. 842/2006 specifying the forms that Member States have to use to notify the EC of national training and certification programmes.

Regulation (EC) No. 307/2008 of 2 April 2008 establishing minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases

**Links to**

- Commission Regulation (EC) No. 308/2008 through Article 4(2)

**Analysis**

Article 4(2) requires Member States to use the forms provided in Regulation (EC) No. 308/2008 to notify the EC of the name and contact details of relevant certification bodies for personnel, as well as the certificate titles of relevant personnel.

Regulation (EC) No. 306/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment

**Links to**

- Commission Regulation (EC) No. 308/2008 through Article 6(1)

**Analysis**

Article 6(1) requires Member States to use the format established in Regulation (EC) No. 308/2008 to notify the EC of the names and contact details of relevant certification bodies for personnel as well as the certificate titles of relevant personnel.

Regulation (EC) No. 305/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear

**Links to**

- Commission Regulation (EC) No. 308/2008 through the Preamble and Article 7(1)

**Analysis**

The Preamble and Article 7(1) require Member States to use the format established in Regulation (EC) No. 308/2008 to notify the EC of the names and contact details of relevant certification bodies for personnel as well as the certificate titles of relevant personnel.

Regulation (EC) No. 304/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases

**Links to**

- Regulation (EC) No. 308/2008 through Article 12(3)

**Analysis**

Article 12(3) requires Member States to use the format established in Regulation (EC) No. 308/2008 to notify the EC of the names and contact details of relevant certification bodies for personnel and companies as well as the certificate titles of relevant personnel and companies.

Regulation (EC) No. 303/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gase

**Links to**

Regulation (EC) No. 308/2008 through Article 12(3)

**Analysis**

Article 12(3) requires Member States to use the format established in Regulation (EC) No. 308/2008 to notify the EC of the names and contact details of relevant certification bodies for personnel and companies as well as the certificate titles of relevant personnel and companies.

# 3 IN-DEPTH ANALYSIS OF IDENTIFIED INTERLINKAGES

On the basis of the most relevant legislative connections identified in Section 2.2, an in-depth analysis is provided in below.

## 1) The Auctioning Regulation (EU) No. 1031/2010 is connected to the following acts:

### *(a) Directive 2003/6/EC*

Regulation (EU) No. 1031/2010 on auctioning must be jointly implemented with the Market Abuse Directive (2003/6/EC) regarding insider dealing and market abuses applicable to auctioned products. In case of auctioning financial instruments, Regulation (EU) No. 1031/2010 determines the application of the Market Abuse Regime established in Directive 2003/6/EC and sets out a different regime for the auctioning of non-financial instruments.

It entrusts additional tasks to existing administrative authorities — with supervisory and investigatory powers — created in the framework of the Market Abuse Directive at national level. These bodies are also competent to oversee insider dealing and market abuses related to the auctioning process (Articles 37 to 42 of the regulation).

In addition, national provisions concerning administrative measures/sanctions against persons responsible for market abuse; the right of appeal; and obligations related to exchanges of information and cooperation, all belonging to the Market Abuse Directive (Articles 13, 14, 15), also apply to the auctioning process.

### *(b) Directive 2004/39/EC*

Regulation (EU) No. 1031/2010 on auctioning must be jointly implemented with the Markets in Financial Instruments Directive (2004/39/EC) with regard to the regime applicable to regulated markets and market operators established at national level. The appointment of an auction platform depends on the existence of a regulated market and its market operator (located in the same Member State or in two different Member States), which can be effectively supervised by competent national public authorities (Article 48 of Directive 2004/39/EC).

This regulation entrusts additional tasks to these competent national authorities. In particular, they must authorise and supervise regulated markets

and their market operators with a view to appointing an auction platform. In this framework, national provisions concerning administrative measures/sanctions against persons violating the regulated market regime; the right of appeal; as well as obligations of cooperation between competent authorities of different Member States also apply.

The competent national authorities must be notified by an auction platform of any suspicion of market abuse by any person admitted to bid or by their agent, since they are competent to supervise the auction platform and to investigate and prosecute market abuses.

### *(c) Directive 2005/60/EC*

Regulation (EU) No. 1031/2010 must be jointly implemented with Directive 2005/60/EC on preventing the use of the financial system for the purposes of money laundering and terrorist financing, not only from an institutional point of view, but also by applying specific provisions and procedures, developed for preventing money laundering and terrorist financing, to auction platforms and their activities.

Paragraph 1 of Article 55 assigns additional duties, in terms of monitoring and checking the performance of auction platforms, to competent national authorities with supervisory powers referred to in Article 37(1)-(2)-(3) of Directive 2005/60/EC. If an auction platform is held liable for infringements, it will be subject to the same penalties determined at national level pursuant to Article 39 of Directive 2005/60/EC.

Paragraph 4 determines that the national measures transposing specific provisions of Directive 2005/60/EC apply to the appointed auction platform as well. This refers in particular to Article 26 dealing with the disclosure in good faith of information on potential money laundering and terrorist financing; Article 29 on the prohibition of disclosure; Article 32 concerning systems of fast response to enquiries from the FIU; Article 34(1) relating to appropriate internal policies and procedures on different subjects all aimed to prevent and block money laundering and terrorist financing operations; and Article 35 on personnel training programmes for recognising money laundering or terrorist financing practices.

Article 56(1) of Regulation (EU) No. 1031/2010 establishes the application of national measures

transposing Article 25(2) of Directive 2005/60/EC, thus requires the auction platform to notify the FIU of facts related to money laundering or terrorist financing.

### National example

Hungary decided to use the European Common Auction Platform and not to use any existing body or set up new national institutions. Regulation (EU) No. 1031/2010 envisages a common auction platform that better serves the aims of transparency, liquidity and equitable access to smaller actors than a series of separate national platforms. However, it also makes it possible to opt out of the common platform, an option that was used by the UK, Germany and Poland. The latter two appointed the same institution to carry out the task as that appointed by the European Commission — namely the European Energy Exchange (EEX) in Leipzig.<sup>1</sup> The UK uses ICE Futures Europe. The EEX thus serves as the transitional platform for all Member States (except the UK), and a tender will be issued for the permanent platform later in 2014.

As a result, regulations on money laundering and market abuse related to the auctioning of European emission allowances are not administered/supervised by Hungarian organisations/institutions.

## 2) Regulation (EU) No. 600/2012 on the accreditation of verifiers and the verification of reports is connected to the following acts:

### (a) Regulation (EU) 601/2012

Regulations (EU) No. 600/2012 and 601/2012 deal with strictly interrelated subjects: the verification of reports and the accreditation of verifiers; and the monitoring and reporting of GHG emissions respectively. They therefore often refer to each other. In particular, Article 68(1) and (2) of Regulation (EU) No. 600/2012 creates room for common implementation by requiring the use of formats/templates established in Article 74(1) and (2) of Regulation (EU) No. 601/2012.

### (b) Regulation (EC) 765/2008

Member States must jointly implement the two regulations from an institutional point of view. In fact, Regulation (EU) No. 600/2012 assigns additional duties to national accreditation bodies established under Regulation (EC) No. 765/2008 by making them responsible for accreditation activities pursuant to the former act. However, where a Member State allows for the certification of verifiers that are natural persons, the national authority in charge will be a different authority and must satisfy the relevant requirements and provide the documentary evidence required under Article 5(2) of Regulation (EC) No. 765/2008.

### National example

Accreditation of GHG verifiers in Hungary is awarded by the National Accreditation Body (Nemzeti Akkreditáló Testület, or NAT).<sup>2</sup> This institution is responsible for different accreditation processes, and GHG verifiers were added to its mandate with the adoption of Regulation (EU) No. 600/2012. The corresponding Hungarian legislation is Government Decree No. 295/2012. The NAT is responsible for the overall accreditation process of GHG verifiers, including the granting, suspension, scope reduction and withdrawal of accreditation.

The competent authority for GHG emissions monitoring (Regulation [EU] No. 601/2012) is the Emissions Trading Directorate of the National Inspectorate for Environment, Nature and Water.<sup>3</sup> This body is responsible for issuing emissions permits and monitoring compliance. It also has other GHG-related mandates: it is the administrator of the national registry and the general competent body for the EU ETS.

## 3) Regulation (EU) No. 601/2012 is connected to Directive 2009/28/EC

Regulation (EU) No. 601/2012 foresees the application of the same procedure established in Article 18 of Directive 2009/28/EC in order to verify compliance with sustainability criteria for biofuels used in aviation.

<sup>1</sup> For Germany it was appointed as a permanent platform, and for Poland as a transitional platform

<sup>2</sup> [www.nat.hu](http://www.nat.hu)

<sup>3</sup> [www.orszagoszoldhatosag.gov.hu/](http://www.orszagoszoldhatosag.gov.hu/)

#### **4) Decision 406/2009/EC is connected to Directive 2003/87/EC**

Decision 406/2009/EC designates the central administrator established by Directive 2003/87/EC as being responsible for the automated checking of transactions and as having the opportunity to block transactions to prevent irregularities. Common implementation is therefore foreseen in institutional terms.

#### **5) Directive 98/70/EC is connected to Directive 2003/87/EC**

Article 7a(2)(c) requires the use of credits purchased through the Clean Development Mechanism of the Kyoto Protocol to achieve an additional 2 percent reduction in GHG emissions per unit of energy from fuel and energy supplied. In this case, the joint implementation of these directives consists in applying the same procedure.

#### **6) Decision 529/2013/EU is connected to Regulation (EU) No. 525/2013**

In both the connections explained below, the LULUCF Decision defines a part of the content of a document (the national GHG inventory and the national low-carbon development strategy respectively) established in Regulation (EU) No. 525/2013 on monitoring and reporting GHG emissions in non-ETS sectors.

According to Article 6(6), in forest management accounting Member States must communicate relevant technical corrections and improved data to the EC at the latest as part of their national GHG inventory (Article 7[1][d] of Regulation [EU] No. 525/2013).

Article 10(1) determines that information on national current and future LULUCF actions to limit/reduce emissions and maintain/increase removals have to be communicated by Member States to the EC within 18 months of the beginning of each accounting period and have to be included in their national low-carbon development strategy (Article 4 of Regulation [EU] No. 525/2013).

#### **7) Directive 2009/28/EC is connected to Regulation (EC) No. 1099/2008**

The joint implementation of these two acts consists in applying the calculation methodology and definitions determined in the regulation on energy statistics to the calculation of the share of energy from renewable sources in order to ensure coherence.

#### **8) Directive 2012/27/EU is connected to the following acts:**

##### *(a) Directive 2001/42/EC*

In this case, the cost-benefit analysis (developed to identify the most resource- and cost-efficient solutions concerning the potential of high-efficiency cogeneration and district heating and cooling to address national needs) has to be integrated into the environmental assessment of plans and programmes developed in different sectors and likely to have a significant impact on the environment. Joint implementation is therefore reflected in the formulation of a single document.

##### *(b) Directive 2010/31/EU*

The directives must be jointly implemented in terms of the obligations to be met. Member States must renovate 3 percent of the floor area of the heated and/or cooled buildings of public bodies each year and must meet the national minimum energy performance requirements. They should introduce intelligent metering systems when a new building is constructed or when an existing building undergoes major renovation.

#### **National example**

A number of Hungarian legal acts have transposed the requirements of Directive 2001/42/EC and Directive 2010/31/EU. In addition to this legislation, the national policies and strategies outlined below pursue the objectives of these directives:

- The National Climate Strategy (Nemzeti Éghajlatváltozási Stratégia, or NCS) was originally prepared for the period 2008–2025 but is currently under review. Once adopted, it will cover the period until 2025 with an outlook until 2050. The draft document contains the National Decarbonisation Roadmap until 2050. The strongest decarbonisation scenario assumes almost complete decarbonisation in the building sector

by 2050, with a strong role played by energy efficiency. The two most relevant policy tools for the building sector, as identified by the NCS, are the preparation of a national building energy strategy and funding instruments to promote energy efficiency investments. Cogeneration is mentioned only in relation to renewable energy production and no policy tools are identified in this case.

- The National Energy Strategy 2030 (Nemzeti Energiastratégia, or NES) with an outlook until 2050 aims to reduce energy use in Hungary by 189 PJ by 2030, with the building sector making the largest contribution (a total of 111 PJ). The NES discusses the role of cogeneration only in the context of renewable energy.
- The National Energy Efficiency Action Plan 2 (Magyarország II. Nemzeti Energiahatékonysági Cselekvési Terve, or NEEAP2) sets out actions to reduce energy use up to 2016, with an outlook until 2020. The plan was adopted in 2011 and set out actions to meet the obligations contained in the Energy Services Directive 2006/32/EC, and to reach the EU's 20 percent energy efficiency target. The NEEAP2 attributes a leading role to energy efficiency investments in the building sector. The role of cogeneration in energy savings is not mentioned in the document. The Energy Efficiency Directive set the deadline of April 30, 2014, for the submission of new NEEAPs. To date, Hungary has failed to submit one.
- The National Building Energy Strategy (Nemzeti Épületenergetikai Stratégia, or NBES) is currently in draft form. It aims for a 30 percent reduction in heating energy use in the building stock by 2030, consistent with the target set in the NES.
- EU funding for energy efficiency in buildings through different operational programmes (using funding from the European Regional Development Fund and the Cohesion Fund, totalling HUF 60 billion a year between 2014 and 2020 and combining non-repayable grants and financial instruments) is aimed at energy efficiency investments in residential housing, social housing and SMEs. An additional amount of funding will be available for investment in public buildings.

### **9) Regulation (EU) No. 510/2011 is connected to Regulation (EC) No. 443/2009**

These regulations invest the same authority with different tasks, thus they must be jointly implemented from an institutional point of view. The national authority responsible for collecting and communicating relevant monitoring data on the emissions performance of new light commercial vehicles (Article 8[8] of Regulation [EC] No. 510/2011) is also responsible for collecting and communicating relevant monitoring data on emission performance standards for new passenger cars (Article 8[7] of Regulation [EC] No. 443/2009).

#### **National example**

In Hungary, a government decree sets out the tasks of the National Transport Authority (NTA), which is the central authority under the minister responsible for transport. The tasks of the NTA are carried out by its central body and three specialised bodies, which include the Central Road Motor Vehicle Transport Office (CRMTO). The CRMTO is responsible for numerous activities, including tasks set out in Regulations 510/2011/EU and 293/2012/EU, such as publishing emission and fuel consumption data for new motor vehicles; collecting and forwarding to the EC data from the monitoring of CO<sub>2</sub> emissions; collecting data from filling stations; and related reporting requirements for Member States. The CRMTO is assigned a wide range of other responsibilities stemming from other EU and national legislation, such as the authorisation of roadworthiness permits for motor vehicles and vehicles transporting perishable food, tasks related to quality assurance and the approval of motor vehicle parts, and the granting of permits for driving schools. These diverse tasks are concentrated in a single transport authority in order to ensure cost-effective functioning and the availability of relevant expertise.

### **10) Regulation (EC) No. 308/2008 is connected to Regulation (EC) No. 842/2006**

The joint implementation of these two regulations consists in using the forms established in Regulation (EC) No. 308/2008 in order to fulfil Member States' obligations related to notification as set out in Article

5(2) of Regulation (EC) No. 842/2006 on national training and certification programmes.

**11) Regulations (EC) No. 307/2008, 306/2008, 305/2008, 304/2008 and 303/2008 are connected to Regulation (EC) No. 308/2008**

Regulation (EC) No. 308/2008 establishes the format for notifying the EC of the names and contact details of relevant certification bodies for personnel and companies as well as the certificate titles for relevant personnel and companies that must be used by Member States in order to fulfil their obligations in the framework of Regulations (EC) No. 307/2008 (Article 4[2]), 306/2008 (Article 6[1]), 305/2008 [Article 7[1]], 304/2008 (Article 12[3]) and 303/2008 (Article 12[3]).

# 4 SPECIFIC OBLIGATIONS FOR JOINT IMPLEMENTATION AND RECOMMENDATIONS

The complexity of EU climate legislation is due to the fact that it encompasses numerous sectors and is under continuous expansion. Throughout this section, relevant cross-references connecting two or more legislative acts — analysed in the first section of the guidelines — are identified and explained. This preliminary analysis aims to facilitate the integrated reading and interpretation of connected provisions, thus simplifying the efforts of Member States (especially IPA countries) to implement EU climate legislation.

The study of these interlinkages has been developed at different scales. After identifying all the cross-references included in the analysed legislative acts, the contents were examined and their implementation range evaluated by considering whether they have an impact on Member States' obligations. Accordingly, relevant cross-references were included in Section 2.2, and those requiring effective joint implementation were further explored in Section 2.3.

The focus is on provisions that refer to analogous or connected obligations, empower the same authorities, or refer to existing/identical procedures. In all cases, Member States can save time and resources by jointly implementing specific norms from an institutional or procedural point of view.

The Annex provides a supplementary tool that presents additional interlinkages not analysed in the previous sections, as they foresee obligations that apply to other subjects (i.e. operators, the EC, importers/exporters), or merely refer to a definition or a specific regime.

On the basis of the analysis it is possible to extrapolate specific obligations for common implementation as well as recommendations for further enhancing cross-sectoral links.

## I. SPECIFIC OBLIGATIONS FOR JOINT IMPLEMENTATION

1. Member States must apply the regime on insider dealing and market abuse — as established in Regulation 2003/6/EC — to the auctioning of financial instruments as well. The same national authorities are responsible for supervising and investigating these issues. (Section 2.3[1][a])
2. The appropriate functioning of regulated markets and market operators connected to appointed auction platforms is under the supervision of the competent national public authorities established in Directive 2004/39/EC on Markets in Financial Instruments. (Section 2.3[1][b]).
3. Auction platforms are subject to the regime for preventing money laundering and terrorist financing established in Directive 2005/60/EC. (Section 2.3[1][c])
4. Member States must ensure the coherence of activities related to the monitoring and reporting of GHG emissions with activities concerning the verification of GHG emission reports and the accreditation of verifiers. (Section 2.3[2][a])
5. Accreditation activities are performed by a single national accreditation body, except in the case of certifying verifiers who are natural persons. (Section 2.3[2][b])
6. There is only one procedure for testing the compliance of biofuels, including those used for aviation, with sustainability criteria (Section 2.3[3]).
7. The central administrator created under the EU ETS Directive is also responsible for the automated checking of transactions and their potential blocking under the Effort Sharing Decision (Section 2.3[4]).
8. Credits purchased through the Clean Development Mechanism must be used to achieve an additional 2 percent reduction in GHG emissions per unit of energy from fuel and energy supplied (Section 2.3[5]).
9. National GHG inventories must include relevant information and correct data on forest management and LULUCF activities (Section 2.3[6]).
10. The calculation methodology and definitions with respect to energy statistics must be applied

to the calculation of the share of energy from renewable sources (Section 2.3[7]).

11. The environmental assessment of plans and programmes that are likely to have a significant impact on the environment should include an energy efficiency cost-benefit analysis (Section 2.3[8][a]).
12. Member States should improve the energy performance of the buildings of public bodies in accordance with national minimum energy performance requirements (Section 2.3[8][b]).
13. Member States must empower the same national authority with responsibility for collecting and communicating relevant monitoring data on the emission performance of both new light commercial vehicles and passenger cars (Section 2.3[9]).
14. Member States must provide notification of national training and certification programmes for personnel and companies using appropriate and specific forms (Section 2.3[10]).
15. Member States must use the same format to notify the EC of the names and contact details of relevant certification bodies for personnel and companies as well as the titles of certificates for relevant personnel and companies in order to fulfil their obligations concerning:
  - the minimum requirements for training programmes and conditions for the mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain F gases;
  - the minimum requirements and conditions for the mutual recognition of the certification of personnel recovering certain F gas-based solvents from equipment;
  - the minimum requirements and conditions for the mutual recognition of the certification of personnel recovering certain F gases from high-voltage switchgear;
  - the minimum requirements and conditions for the mutual recognition of the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain F gases; and
  - the minimum requirements and conditions for the mutual recognition of the certifica-

tion of companies and personnel as regards stationary refrigeration, air-conditioning and heat pump equipment containing certain F gases (Section 2.3[11]).

## II. ADDITIONAL RECOMMENDATIONS

1. Member States could combine their energy efficiency strategies with measures to increase the share of energy from renewable sources. The former are directed to the entire energy chain. In this context, the process connected to generating, transforming, distributing and consuming energy could rely on the stronger use of renewable sources. One of the aims of the Energy Efficiency Plan, for example, is to promote an economy that respects the planet's resources while at the same time improving the EU's energy independence. These goals can be achieved by relying on clean energy sources (wind, solar, hydro-electric and tidal power, geothermal energy and biomass) rather than external supplies of fossil fuels.
2. The combination of energy efficiency and renewable energy solutions could also have specific applications. The potential for energy saving is consistent in both the public transport and building sectors. The use of biofuels and electric/solar vehicles could be a beneficial measure in the first case, together with the implementation of traffic management networks. In the building sector, the introduction of rainwater harvesting systems, photovoltaic panels and natural ventilation schemes would contribute to reducing final energy consumption in buildings.
3. The link between renewable sources and the EU ETS is twofold: energy produced from renewable sources (e.g. biomass) might also be extensively applied in the production cycles of stationary installations included in the EU ETS; and the use of biofuels should be promoted in aviation activities that are part of the scheme.
4. Member States should pay due attention to integrating their efforts to reduce GHG emissions in sectors covered by the EU scheme and in those regulated by the Effort Sharing Decision.

Careful planning and the inclusion of any productive activity in one of these two systems would facilitate the fulfilment of both national and EU obligations. It is worth mentioning here the role of sectors exposed to carbon leakage.

5. Member States should follow the evolution of the carbon leakage list in order to take appropriate measures in sectors that are no longer deemed to be exposed to such a risk, and to include them in the most appropriate reduction scheme.
6. Member States should ensure institutional cooperation between national authorities as well as with authorities located in other Member States. Such coordination would improve institutional functioning and reduce operational overlaps.
7. The effective development of monitoring and verification activities — across all relevant sectors and in connection with specific legislative acts — is a key aspect of the fulfilment of the duties of state and non-state actors in the context of reducing GHG emissions and effectively implementing EU legislation.
8. IPA countries should develop and improve their national legislation in accordance with the content of EU directives in order to speed up the integration process. However, the prioritisation of needs and the necessary steps to achieve alignment with the requirements arising from the climate and energy acquis also depends on the government agenda. A government may therefore choose to strengthen particular instruments or measures according to specific national/regional needs and political priorities, which differ from those of other governments or Member States.

The strategic links highlighted above could represent the starting point for further reflections and facilitate understanding of the complex EU climate legislation, and of the hidden connections between the sectors regulated by it, in order to make its implementation more effective at national level.

# 5 ANNEX: LIST OF CROSS-REFERENCES

## Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community

### Links to

- Directive 96/61/EC through Articles 2 and 8

### Analysis

Directive 96/61/EC was repealed by Directive 2008/1/EC, which in turn was repealed by Directive 2010/75/EU.

- Decision 280/2004/EC through Articles 10(4), 29 and 30(3)

Decision 280/2004 was repealed by Regulation (EU) No. 525/2013, which in turn links to Directive 2003/87/EC, as analysed in the relevant section.

- Directive 2003/6/EC (Market Abuse Directive) through Article 12(1)(a)

This article refers to the Market Abuse Directive to ensure the protection of the market for emission allowances from insider dealing and market manipulation in trading commodities.

- Directive 2009/31/EC (CCS Directive) through Article 12(3)(a)

This article refers to permits granted to CCS facilities.

- Directive 2003/4/EC through Article 17

Access to specific information, as established in Article 17, should be regulated in accordance with Directive 2003/4/EC on public access to environmental information.

- Directive 91/692/EEC through Article 21

- Decision 93/389/EEC through Article 23(1)

This article refers to the committee assisting the EC in its tasks.

## Commission Decision 2005/381/EC establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council

### Links to

- Decision 2004/156/EC through the Preamble

### Analysis

- Decision 280/2004/EC through the Preamble



- Directive 91/61/EC through the Preamble

- Directive 91/692/EEC through the Preamble

- Regulation (EC) No. 2216/2004 through the Preamble

- Directive 2003/87/EC through the Preamble and Article 1

Member States shall use the questionnaire established in this decision for reporting to the EC on the application of Directive 2003/87/EC each year (Article 21[1] of Directive 2003/87/EC).

### Commission Regulation (EU) No. 389/2013 of 2 May 2013 establishing a Union Registry

#### Links to

- Decision 2009/371/JHA through Article 110(6)

#### Analysis

Europol may access data stored in the Union Registry and the European Union Transaction Log (EUTL) for the performance of its tasks connected to the prevention of and fight against organised crime, terrorism and other forms of serious crime.

- Decision 280/2004/EC through Articles 1 and 8(5).
- This decision has been repealed by Regulation (EU) No. 525/2013.

Article 1 refers to national registries, but these have been replaced by the Union Registry.

- Decision 2006/780/EC through the Preamble

- Decision 406/2009/EC through the Preamble and Articles 4(3), 8(5), 74(1), 75, 76, 79(1), 80, 81, 82, 85, 87, 88, 89 and 100(2)

Article 75 establishes that the validity of annual emission allocation units (AEAs) is strictly connected to the achievement of Member States' GHG emission reduction targets by 2020. A Member State's AEAs may be transferred for this same purpose according to the conditions foreseen in Article 3(3), (4) and (5) of Decision 406/2009/EC.

Article 76 determines that the number of AEAs to be transferred into each Effort Sharing Decision (ESD) Compliance Account must correspond to the national annual emission allocations for each year (Articles 3[2] and 10 of Decision 406/2009/EC).





Article 79(1) makes a simple reference to the flexibilities provided for in Articles 3 and 5 of Decision 406/2009/EC.

Article 41(2) links to Decision 2010/67/EU, and Article 2(1) of Decision 2010/67/EU links in turn to Article 10a(8) of Directive 2003/87/EC, creating a double link. These articles determine that the central administrator must create 300 million general allowances to be put on or transferred to relevant accounts established for commercial demonstration projects using CCS and renewable energy technologies.

- Decision 2011/278/EU through the Preamble and Articles 3, 44(4), 51(2) and 52(2)

Article 3 refers to the definitions set out in Article 3 of Decision 2011/278/EU, confirming their validity.

According to Article 52(2), the EC must ascertain the conformity of changes to the national allocation table with Decision 2011/278/EU.

- Directive 91/61/EC through the Preamble

- Directive 95/46/EC through the Preamble and Article 107(2)

The Union Registry does not contain special categories of data as defined in Article 8 of Directive 95/46/EC.

- Directive 2003/87/EC through the Preamble and Articles 1, 4(3), 8(5), 10(4)-(5), 17(3), 25(10), 28(2), 29, 34(10), 35(4)-(6)-(7), 41(1)-(2), 44(1)-(2)-(3), 46(1)-(2)-(3), 47(1)-(2)-(3)-(4), 54(2), 55(1)(a)-(2)(a)(b)-(3), 58(1), 59(1)-(2)-(3), 60(1)2(d), 68(1), 69, 71, 100(2) and 110(2)(d)

Article 1 makes a simple reference to the provision concerning the independent transaction log.

According to Article 10(4)-(5), the exclusion of an installation or of an aircraft operator's flights from the EU scheme is determined according to Article 27 and Annex I respectively of Directive 2003/87/EC.

Paragraph 2 of Article 41 establishes that the central administrator must create 300 million general allowances to be put on or transferred to relevant accounts established for commercial demonstration projects using CCS and renewable energy technologies (Article 2[1] of Decision 2010/67/EU and Article 10a(8) of Directive 2003/87/EC).

According to Article 44(1)-(2)-(3), the transfer of general allowances from the EU Total Quantity Account to the EU New Entrant Reserve Account must correspond to 5 percent of the Community-wide quantity of allowances, considering also any relevant adjust-





ment to this quantity, whether increase or decrease (Articles 9 and 9a of Directive 2003/87/EC).

According to Article 46(1)-(2)-(3), the number of aviation allowances — for allocation free of charge — to be transferred from the EU Aviation Total Quantity Account to the EU Aviation Allocation Account, must be determined by the EC, and any successive increase or decrease in the number must be taken into consideration (Article 3e(3) of Directive 2003/87/EC).

Article 47(1)-(2)-(3)-(4) refers to Article 3e(3) of Directive 2003/87/EC establishing that the EC shall calculate the number of aviation allowances for the special reserve.

Article 54(2) merely refers to the provision establishing the obligation to calculate and publish the total allocation of allowances to aircraft operators.

According to Article 100(2), the automated check on processes carried out by the EUTL must verify conformity with the relevant requirements of Directive 2003/87/EC, Decision 406/2009/EC, and this regulation.

Article 110(2)(g) simply refers to Article 18 of Directive 2003/87/EC establishing the competent authority.

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• Directive 2005/60/EC through Article 98(2)-(3)-(4)

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• Directive 2009/29/EC through Article 58(1)

This article makes a simple reference to Annex I as amended by Directive 2009/29/EC.

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• Regulation (EC) No. 219/2009 through Article 58(1)

This article makes a simple reference to Annex I as amended by Directive 2009/29/EC.

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• Regulation (EC) No. 45/2001 through the Preamble and Article 107(2)

The Union Registry does not contain special categories of data as defined in Article 10 of Regulation (EC) No. 45/2001.

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- Regulation (EU) No. 920/2010 through the Preamble and Articles 41(1) and 114.
- The above regulation has been repealed mainly by Regulation (EU) No. 389/2013.

Article 114 refers to the maintenance of accounts and trading platform accounts opened or used pursuant to Regulation (EU) No. 920/2010.

- Regulation (EC) No. 2216/2004 through the Preamble

- Regulation (EU) No. 1031/2010 through the Preamble and Articles 3, 15(1), 41(1), 42(1)-(2), 45(1)-(2), 62(1)-(2), 64(1)-(2)-(3) and 110(10)

Article 3 refers to the definitions set out in Article 3 of Regulation (EU) No. 1031/2010, confirming their validity.

Chapter V of Regulation (EU) No. 1031/2010 regulates the appointment of an auctioneer as referred to in Articles 42(1) and 45(1). Paragraph 2 of both articles states that adjustments to the annual volumes (in accordance with Article 14 of Regulation [EU] No 1031/2010) results in the transfer of a corresponding quantity of general/aviation allowances for auctioning.

Article 62(1)-(2) refers to the auction calendar and auction table and their regime.

Commission Regulation (EU) No. 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances

**Links to**

**Analysis**

- Directive 83/349/EEC through Articles 3(2)-(13) and (14)

- Directive 85/611/EEC through the Preamble

- Directive 93/6/EEC through the Preamble

- Directive 93/22/EEC through the Preamble

- Directive 98/26/EC through Article 3(38)

- Directive 2000/12/EC through the Preamble





- Directive 2001/34/EC through the Preamble
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- Directive 2003/6/EC through Articles 3(28), 22(4), 28 (4)-(5), 36(1)-(2) and 43(1)-(2)-(3)-(4)
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- Directive 2003/87/EC through the Preamble and Articles 1, 2, 3(21), 7(8), 9, 10(1) -(2)-(3)-(4), 11(1)-(3)-(4), 12(1)-(2), 13(1)-(2)-(3)-(4), 14(1)(b)(e)(f)(g)(h) (i)(k), 25(1)-(2)(e)(h) - (4)-(5), 30(1)-(7), 32(1) - (2) - (3) - (4), 44(2) and 46

Articles 1 and 2 define the subject matter and scope of this regulation, which is developed in the framework of Directive 2003/87/EC and applies to the auctioning of aviation and stationary installation allowances.

Article 10(2)(3)(4) determines how to calculate the volume of industrial allowances to be auctioned in each Member State from 2013 onwards after considering (transitional) free allocations, the unilateral inclusion of additional activities and GHGs, remaining allowances in the new entrants' reserve, and the cessation of the operation of an installation (Articles 9, 9a, 10[1]-[2], 10a[7]-[19]-[20], 10[c], 11[2] and 24 of Directive 2003/87/EC).

Article 12(1)-(2) states that the volume of aviation allowances to be auctioned each year from 2013 onwards, and each Member State's share, must be determined according to the relevant provisions of Directive 2003/87/EC (Articles 3d[2][3], 3f). The number of allowances is calculated and decided by the EC.

Article 25(1) restates that the report on the proper implementation of an auction must be submitted within one month of the auction (Article 10[4] of Directive 2003/87/EC).

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- Directive 2004/39/EC through the Preamble and Articles 3(8)-(10)-(39)-(42)-(43)(b)(c)(e)(f), 6(5), 18(1) (b) - (2), 25(2)(f), 35(4)-(5)-(6), 56(1) and 64(2)
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- Directive 2005/60/EC through the Preamble and Articles 3(17)-(18)-(19)-(23)-(24)-(26), 20(6), 21(2), 55(1)-(2)-(3)-(4), 56(1) and 59(2)(b)
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- Directive 2006/48/EC through Articles 3(9)-(43)(d) and 18(c)
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- Directive 2008/101/EC through the Preamble

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- Directive 2009/29/EC through the Preamble

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- Regulation (EC, Euratom) No. 1605/2002 and Regulation (EC, Euratom) No. 2342/2002 through the Preamble and Articles 24(2) and 26(3)

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- Regulation (EC) No. 139/2004 through Articles 3(15)

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- Regulation (EC) No. 1287/2006 through Article 3(1)-(2)-(3)-(4)

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Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances

**Links to**

**Analysis**

- Decision 2010/2/EU through the Preamble and Articles 6(1), 10(4)-(5), 15(2)(d)-(f), 16 and 17(4)

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- Directive 96/61/EC through the Preamble

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- Directive 2003/87/EC through the Preamble and Articles 1, 2, 3(a)-(h)-(r), 4(1), 5(1)-(2), 6(1), 7(1), 10(4)-(9), 15(1)-(2)-(3), 16, 17(4), 18(1) and 19(1)-(4)-(5)-(6)

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Article 4(1) refers to Article 18 of Directive 2003/87/EC in relation to the designation of competent authority or authorities and their coordination.

- Directive 2004/22/EC through Article 3(f)

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- Directive 2008/1/EC through the Preamble and Articles 3(a)-(ii), 8(3)(d) and 22(1)(a)

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Commission Regulation (EU) No. 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers

**Links to**

Decision 2011/278/EU through Article 17(4), which creates a double connection by referring to Article 24(1) of Decision 2011/278/EU as well as Article 12(3) of Regulation (EU) No. 601/2012

**Analysis**

The article determines that a verifier must check that the monitoring plan — submitted by the operator to the competent authority by 31 December each year — contains the additional elements required by the Member States in the case of planned or actual changes to the capacity, activity level and operation of the relevant installation.

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• Directive 96/61/E through the Preamble

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• Directive 98/34/EC through the Preamble

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• Directive 2003/4/EC through the Preamble

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• Directive 2003/87/EC through the Preamble and Articles 1, 2, 3, 7(3), 16(2)(c), 37(1)(a), 42(1), 55, 58(1)(b), 59(2)(a), 64(2) and 69(2)

Articles 1 and 2 determine that, in terms of subject matter and scope, this regulation implements Articles 14 and 15 of Directive 2003/87/EC, since it covers the verification of reports on greenhouse gas emissions and tonne-kilometre data.

Among the competence requirements for EU ETS (lead) auditors, Article 37(1)(a) requires knowledge of Directive 2003/87/EC.

Articles 7(3) and 42(1) determine that, in carrying out its activities in the public interest, the verifier must be impartial and independent from operators, aircraft operators, competent authority/ies and the Union Registry established pursuant to Directive 2003/87/EC.

According to Article 58(1)(b), in order to assess verifiers, assessors must satisfy specific competence requirements, including knowledge of Directive 2003/87/EC.

According to Article 59(2)(a), technical experts must have knowledge of Directive 2003/87/EC in addition to specific competences required to support EU ETS (lead) auditors on precise subjects.



- Directive 2006/123/EC through the Preamble
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- Directive 2009/31/EC through the Preamble
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- Regulation (EU) No. 601/2012 through the Preamble and Articles 7(4)(a)-(5)-(6), 11(3)(a)-(4)(c), 16(2)(g), 17(2)-(3)-(4), 18(1)-(2), 19(1)-(2)-(3), 23(1)(a)-(2)(a), 29(1), 30(1)(c), 31(2)-(3)(c), 32(1)-(2), 37(1)(a), 57(2), 58(1)(b), 59(2)(a) and 68(1)-(2)

Article 7(4)(a) refers to the minimum content of annual reports, which is established in Annex X of Regulation (EU) No. 601/2012.

According to paragraph 5, the verification report must include mention of the fact that an (aircraft) operator is not in compliance with the monitoring and reporting procedures established in Regulation (EU) No. 601/2012.

According to paragraph 6, the verifier must advise the operator to submit the relevant (modified/incomplete) monitoring plan for approval by the competent authority if it has not already been approved pursuant to Articles 11 and 15(3)-(4) of Regulation (EU) No. 601/2012.

Among the competence requirements for EU ETS (lead) auditors, Article 37(1)(a) also requires knowledge of Regulation (EU) No 601/2012.

According to Article 58(1)(b), in order to assess verifiers, assessors must satisfy specific competence requirements, including knowledge of Regulation (EU) No. 601/2012.

According to Article 59(2)(a), technical experts must have knowledge of Regulation (EU) No. 601/2012 in addition to specific competences required to support EU ETS (lead) auditors on precise subjects.

- Regulations (EC) No. 765/2008 through the Preamble and Articles 1, 3, 4, 5, 34, 45(1), 54(1)-(2)-(3), 60, 63, 64(1)-(2)-(3)-(4), 66(2) and 75

Article 45(1) refers to the accreditation procedure established in Article 5(1) of Regulation (EC) No. 765/2008.

- Regulation (EC) No. 1221/2009 through the Preamble
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Commission Regulation (EU) No. 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions

Links to	Analysis
<ul style="list-style-type: none"> <li>Decision 2009/450/EC through the Preamble and Article 3</li> </ul>	
<ul style="list-style-type: none"> <li>Decision 2011/278/EU through Article 12(3)</li> </ul>	
<ul style="list-style-type: none"> <li>Directive 96/61/EC through the Preamble</li> </ul>	
<ul style="list-style-type: none"> <li>Directive 2003/4/EC through Article 71</li> </ul>	<p>This article establishes the application to emission reports of the regime on public access to environmental information.</p>
<ul style="list-style-type: none"> <li>Directive 2003/87/EC through the Preamble and Articles 1, 2, 3, 4, 5, 9, 10, 12(3), 47(1), 48(2), 49(1), 50(1)-(2)-(3), 51(1)-(2), 53, 56(1)-(4), 57, 67(2), 68(1)-(2)-(3) and 73</li> </ul>	<p>Articles 1 and 2 establish the subject matter and definitions for monitoring and reporting pursuant to Directive 2003/87/EC.</p> <p>Article 4 reaffirms the obligations of (aircraft) operators in relation to GHG emissions monitoring and reporting, as established in Article 14 of Directive 2003/87/EC.</p> <p>Article 5 refers to Annex I and the unilateral inclusion of additional activities and GHGs by Member States.</p>
<ul style="list-style-type: none"> <li>Directive 2009/28/EC through the Preamble and Articles 39(3) and 53</li> </ul>	<p>Article 39(3) refers to the procedure for the guarantee of origin established in Articles 2(j) and 15 of Directive 2009/28/EC. Where such a guarantee has been granted to a biogas injected into, and subsequently removed from, a gas network, the operator does not need to determine the biomass fraction.</p>
<ul style="list-style-type: none"> <li>Directive 2004/22/EC through Article 3</li> </ul>	
<ul style="list-style-type: none"> <li>Directive 2009/31/EC through the Preamble and Articles 3 and 49(1)(a)-(b)-(c)</li> </ul>	
<ul style="list-style-type: none"> <li>Regulation (EEC) No. 3922/91 through Article 3</li> </ul>	



- Regulation (EU) No. 600/2012 through the Preamble and Articles 33(1), 58(4), 66(1)-(2), 67(1)-(2), 68(2)-(3), 69(4), 70(1)(c)-(2) and 75(2)

This regulation contains ubiquitous references to the verification regime established in Regulation (EU) No. 600/2012 when referring to verified emission reports or tonne-kilometre data. Article 75(2) refers to the verifier and accreditation body defined in Regulation (EU) No. 600/2012.

- Regulation (EC) No. 166/2006 through Article 73(b)-(c)

Regulation (EC) No. 1893/2006 through Article 73(d)

Article 73 lists the codes that have to be used from other reporting schemes in order to ensure reporting consistency. In this context, it refers to Regulation (EC) No. 166/2006 and Regulation (EC) No. 1893/2006.

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 (NER 300)

#### Links to

Directive 2003/87/EC through the Preamble and Articles 1, 2(1)-(3) and 11(2)-(6)

#### Analysis

Article 1 makes a simple reference to CCS and RES as well as to the monetisation of allowances established in Directive 2003/87/EC.

Regulation (EU) No. 525/2013 of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting information at national and Union level relevant to climate change

#### Links to

- Decision 2002/358/EC through Article 7(1)(i)

#### Analysis

Decision 406/2009/EC through the Preamble and Articles 1, 2, 7(1)(a)-(h), 13(1)(c)-(d), 14(1)(b), 17(1)(a)-(d) and 19(1)-(2)-(7)

Point (a) of Article 7(1) determines that CO<sub>2</sub> emissions from civil aviation have to be considered as equal to zero for the purpose of flexibilities and corrective actions (Articles 3 and 7[1] of Decision 406/2009/EC respectively). Point (h) refers to the transfer of annual emission allocations or GHG reduction credits (Articles 2[4], 5 of Decision 406/2009/EC).





According to Article 19(1), the EC's comprehensive review of Member States' inventory data aims to ascertain the annual emission allocation for the period 2013–2020 (Article 3[2] of Decision 406/2009/EC) in order to allow recalculations and review the conformity of monitoring and reporting provisions to decisions under the UNFCCC/Kyoto Protocol/EU, as well as to determine Member States' achievement of their GHG reduction or limitation targets (Articles 3 and 7 of Decision 406/2009/EC).

- Decision 529/2013/EU through the Preamble and Article 7(1)(d)-(2)-(8)

- Directive 2001/81/EC through the Preamble and Article 7(1)(b)-(m)

Pursuant to Article 7(1)(m), national GHG inventories should include the results of checks carried out on the consistency of the data used to estimate emissions in preparation of GHG inventories with:

- data used to prepare inventories of air pollutants under Directive 2001/81/EC;
- data on F gases reported by producers, importers and exporters (Article 6[1] of Regulation [EC] No. 842/2006); and
- energy data (Article 4, Annex B of Regulation (EC) No. 1099/2008).

- Directive 2003/87/EC through the Preamble and Articles 1, 2, 5(2)(a), 7(1)(k)-(l), 13(1)(c), 14(1)(b), 17(1)(b)-(c)-(e) and 19(7)

- Directive 2008/101/EC through the Preamble

- Directive 2009/29/EC through the Preamble

- Regulation (EC) No. 166/2006 through the Preamble and Article 5(2)(c)

- Regulation (EC) No. 842/2006 through the Preamble and Articles 5(2)(b)-(3)(a) and 7(1)(m)

- Regulation (EC) No. 1099/2008 through the Preamble and Articles 5(2)(d) and 7(1)(m)

Pursuant to Article 7(1)(m), national GHG inventories should include the results of checks carried out on the consistency of data used to estimate emissions in preparation of GHG inventories with:





- data used to prepare inventories of air pollutants under Directive 2001/81/EC;
- data on F gases reported by producers, importers and exporters (Article 6[1] of Regulation [EC] No. 842/2006); and
- energy data (Article 4, Annex B of Regulation [EC] No. 1099/2008).

- Regulation (EU) No. 182/2011 through the Preamble and Article 26(1)-(2)

This provision refers to the Climate Change Committee assisting the EC.

Decision 406/2009/EC of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

**Links to**

**Analysis**

- Decision 94/69/EC through the Preamble

- Decision 1999/468/EC through the Preamble and Article 13(2)

This decision was repealed by Regulation (EU) No. 182/2011

- Decision 2002/358/EC through Article 5(1)(d)

- Directive 2003/87/EC through the Preamble and Articles 2, 3(2), 5(1)-(2)-(7) and 11(2)

- Directive 2009/28/EC through the Preamble and Article 5(5)(d)

Directive 2009/31/EC of 23 April 2009 on the geological storage of carbon dioxide

**Links to**

**Analysis**

- Directive 2003/87/EC through the Preamble and Articles 11(4), 17(2)-(4) and 18(1)

- Directive 2004/35/EC through the Preamble and Articles 11(4), 17(2)-(4) and 34





Council Directive 91/692/EEC through the Preamble and Article 27

This provision refers to the committee assisting the EC in its activities.

Commission Decision 2002/159/EC of 18 February 2002 on a common format for the submission of summaries of national fuel quality data

**Links to**

- Directive 98/70/EC through the Preamble and Article 1

**Analysis**

This provision clarifies the scope of the decision establishing a common format for the submission of national fuel quality data (Article 8 of Directive 98/70/EC).

Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels

**Links to**

- Directive 96/98/EC through Article 4d(1)
- Directive 98/70 /EC through Article 2
- Directive 97/68 /EC through Article 2
- Directive 2001/80/EC through Article 3(2)(a)-(b)
- Directive 2010/75/EU through Article 3(3)(a)

**Analysis**

This article requires the application of the established regime to emission abatement methods on marine equipment.

- Regulation (EC) No. 2099/2002 through Article 4d(2)

Article 4d(2) links to Article 3(2) of Regulation (EC) No. 2099/2002 and requires the intervention of the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) thereby established for the approval of emission abatement methods not related to marine equipment.

- Regulation (EC) No. 182/2011 through Article 9(1)-(2)

This article contains a reference to the committee assisting the EC.

Directive 98/70/EC of 13 October 1998 relating to the quality of petrol and diesel fuels

**Links to**

**Analysis**

• Directive 85/210/EEC through the Preamble

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• Directive 97/69/EC through Article 2

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• Directive 2003/87/EC through Article 7a(2)(c)

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• Directive 2009/28/EC through Articles 7a(5)(d) and 7e(1)-(2), 9(2)

Among the measures necessary to achieve GHG emission reductions per unit of energy from fuel and energy supplied, Article 7a(5)(d) requires the adoption of a methodology to calculate the contribution of electric road vehicles to the achievement of the 2020 national target corresponding to a 10 percent share of energy from renewable sources in all forms of transport (Article 3[4] of Directive 2009/28/EC).

The implementing measures relating to the sustainability of biofuels listed in Article 7e(1) and the EC reports listed in paragraph 2 of the same article also pursue the promotion of energy from renewable sources.

Article 11(2) requires the assistance of the Committee on the Sustainability of Biofuels and Bioliquids established by Article 25(2) of Directive 2009/28/EC.

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• Regulation (EC) No. 1059/2003 through Article 7d(2)

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Regulation (EC) No 1005/2009 of 16 September 2009 on substances that deplete the ozone layer

**Links to**

**Analysis**

• Decision 2008/753/EC through the Preamble

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- Decision 88/540/EEC through the Preamble
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- Directives 67/548/EEC and 1999/45/EC and Regulation (EC) No. 1272/2008 through the Preamble and Articles 7(2), 8(3) and 10(3)

Articles 7(2), 8(3) and 10(3) require that the labelling obligations imposed by Directive 67/548/EEC, Directive 1999/45/EC and Regulation (EC) No. 1272/2008 be respected in the production, placing on the market and use of controlled substances as feedstock, process agents or for essential laboratory and analytical purposes. However, Directives 67/548/EEC and 1999/45/EC have been repealed by Regulation (EC) No. 1272/2008.

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- Directive 91/414/EEC and Directive 98/8/EC through the Preamble and Article 12(1)-(3)
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- Directive 91/689/EEC through the Preamble
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- Directive 95/46/E through the Preamble
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- Directive 2002/96/EC through the Preamble
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- Directive 2006/12/EC through the Preamble
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- Regulation (EC) No. 2032/2003 through the Preamble
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- Regulation (EC) No. 2037/2000 through the Preamble and Articles 6(1) and 17(2)(h)

This act has been repealed by Regulation (EC) No. 1005/2009.

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- Regulation (EC) No. 45/2001 through the Preamble
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- Regulation (EC) No. 450/2008 through Articles 15(3), 17(4) and 24(1)
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- Regulation (EC) No. 1272/2008 through the Preamble and Articles 7(2), 8(3), 10(3) and 11(6)

The content of Articles 7(2), 8(3) and 10(3) is clarified above.

Article 11(6) also requires the use of the labelling elements included in Annex I to Regulation (EC) No. 1272/2008.

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Directive 2012/27/EU of 25 October 2012 on energy efficiency

**Links to**

**Analysis**

• Decision 406/2009/EC through the Preamble and Articles 20(7) and 24(4)

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• Decision 2010/2/EU through the Preamble and Article 24(4)

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• Decision 2011/877/EU through Article 14(10)

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• Directive 2003/87/EC through the Preamble and Articles 7(2) and 24(4)

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• Directive 2009/31/EC through the Preamble and Article 14(5)-(6)

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• Directive 2009/125/EC through the Preamble

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• Directive 2010/30/EU through the Preamble

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• Regulation (EC) No 1099/2008 through Article 2

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• Regulation (EC) No 715/2009 through the Preamble

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• Directive 2001/42/EC through Article 14(3)

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• Directive 2004/18/EC through Articles 2, 6(1) and 24(8)

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• Directive 2009/28/EC through the Preamble and Articles 15(5) and 24(4)

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• Directive 2009/72/EC through the Preamble and Articles 2, 9(2), 10(1)-(2), 14(7) and 15(1)-(4)-(5)

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- Directive 2009/73/EC through the Preamble and Articles 2, 9(2), 10(1)-(2) and 15(1)

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- Directive 2009/81/EC through Article 6(2)

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- Directive 2010/31/EU through the Preamble and Articles 5(1)-(6), 9(1), 16(1), 17(1) and 24(4)

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- Directive 2010/75/EU through the Preamble and Articles 14(9) and 15(9)

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- Regulation (EC) No. 714/2009 through the Preamble and Article 15

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- Regulation (EU) No. 182/2011 through the Preamble and Article 26

Article 26 is linked to Regulation (EU) No. 182/2011, which requires the EC to be assisted by a committee composed of representatives of Member States and regulated in Regulation (EU) No. 182/2011.

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Regulation (EU) No 394/2011 of 20 April 2011 on the list of aircraft operators that performed an aviation activity listed in Annex 1 to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator as regards the expansion of the EU ETS to EEA-EFTA countries

#### Links to

#### Analysis

- Decision 2009/339/EC through the Preamble

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- Directive 2003/87/EC through the Preamble

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- Directive 2008/101/EC through the Preamble

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- Regulation (EC) 748/2009 through Article 1

Article 1 determines the replacement of the Annex of Regulation (EC) 748/2009.

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Decision 2011/149/EU of 7 March 2011 on historical aviation emissions

**Links to**

- Directive 96/61/EC through the Preamble

**Analysis**

- Directive 2003/87/EC through the Preamble and Article 1

Article 1 establishes historical aviation emissions in order to determine the total quantity of allowances for aviation for the periods specified in Article 3c(1) and (2) of Directive 2003/87/EC.

Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation EU No. 510/2011 with regard to rules for the application for a derogation from the specific CO<sub>2</sub> emissions targets for new light commercial vehicles

- Regulation (EC) No. 1049/2001 through the Preamble and Article 7(2)

Article 7(2) links with Article 4(2) of Regulation (EC) No. 1049/2001 and determines that the exceptions from the right to public access listed in the latter shall be deemed to apply to specific types of information.

- Regulation (EU) No. 510/2011 through the Preamble and Articles 1, 2, 3, 6 and 7(1)

Article 1 clarifies the scope of this act, which specifies the information to be provided by manufacturers applying for a derogation in line with the regime of Article 11(1) of Regulation (EU) No. 510/2011. The other articles refer to the same application, and Article 7(1) requires applicants who consider that information submitted in the application should not be disclosed as foreseen in Article 11(8) of Regulation (EU) No. 510/2011 to specify this in their application and to justify their choice.

Regulation (EU) No 510/2011 of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles

**Links to**

- Decision 94/69/EC through the Preamble

**Analysis**

- Decision 406/2009/EC through the Preamble



- Directive 92/6/EEC through the Preamble

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- Directive 1999/94/EC through the Preamble

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- Directive 2003/87/EC through the Preamble

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- Directive 2007/46/EC through the Preamble and Articles 2(1)-(3), 3, 8(10) and 13(2)-(6)

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- Regulation (EC) 715/2007 through the Preamble and Articles 1, 2(1), 3, 8(10) and 13(2)

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Regulation (EC) 1049/2001 through Article 11(8)

This provision requires that applications for a derogation, including supporting information, notifications, revocations etc., be made publicly available subject to Regulation (EC) No. 1049/2001 regarding public access to European Parliament, Council and Commission documents.

- Regulation (EC) No. 443/2009 through the Preamble and Articles 8(8) and 13(6)

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- Regulation (EU) 182/2011 through the Preamble and Article 14(1)-(2)

This provision refers to the committee assisting the EC.

Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from specific CO<sub>2</sub> emission targets

#### Links to

- Regulation (EC) No. 1049/2001 through Article 8(2)

#### Analysis

Article 8(2) requires the exception from the right to public access to documents set out in Article 4(2) of Regulation (EC) No. 1049/2001 to apply to:

- (a) details of the reduction programme as well as details concerning the development of the manufacturer's product portfolio; and
- (b) the expected impacts of CO<sub>2</sub>-reducing technologies on production costs, the purchase prices of vehicles and the profitability of the company.





- Regulation (EC) No. 443/2009 through the Preamble and Articles 1, 2, 3, 4, 5, 6, 7 and 8(1)

Article 1 determines the scope of this act, clarifying its strict connection to Regulation (EC) No. 443/2009, since it specifies the information that manufacturers need to provide in order to demonstrate that the conditions for a derogation from the specific emissions target are satisfied.

Regulation (EU) No 443/2009 of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles

**Links to**

**Analysis**

- Decision (EC) 94/64/EC through the Preamble

- Decision 289/2004/EC through Article 14(1)

This provision refers to the committee assisting the EC.

- Directive 2007/46/EC through the Preamble and Articles 2(1), 3 and 13(4)

- Regulation (EC) 1049/2001 through Article 11(9)

- Regulation (EC) 692/2008 through the Preamble and Article 3

- Regulation (EC) 715/2007 through the Preamble and Articles 3, 8(1) and 13(3)

Regulation (EC) No 304/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases

**Links to**

**Analysis**

- Regulation (EC) No. 842/2006 through the Preamble and Articles 1, 4(3), 6(3) and 7(2)

Article 1 clarifies the scope of this regulation.

Article 6(3) refers to personnel with professional experience acquired before 4 July 2008 (Article 5[2] of Regulation (EC) No. 842/2006).





- Regulation (EC) No. 308/2008 through Article 12(3)

Regulation (EC) 303/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases

#### Links to

- Regulation (EC) No. 842/2006 through the Preamble and Articles 1, 3, 4(4), 6(3) and 7(2)

#### Analysis

Article 1 clarifies the scope of this regulation.

Article 6(3) refers to personnel with professional experience acquired before 4 July 2008 (Article 5[2] of Regulation (EC) No. 842/2006).

- Regulation (EC) No. 308/2008 through Article 12(3)

Regulation (EC) No. 1516/2007 of 19 December 2007 establishing standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases

#### Links

- Regulation (EC) No. 842/2006 through the Preamble and Articles 1, 2 and 9

#### Analysis

According to Article 2, operators of equipment containing 3 kg or more of F gases must include additional information in the equipment records referred to in Article 3(6) of Regulation (EC) No 842/2006.

Article 9 refers to the follow-up check that must be carried out, one month after repairing a leak, in those areas where the leakage was found and repaired (Article 3[2] of Regulation [EC] No. 842/2006).

Regulation (EC) No. 1497/2007 of 18 December 2007 establishing standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases

#### Links to

- Regulation (EC) No. 842/2006 through the Preamble and Articles 1, 2 and 6

According to Article 2, operators of equipment containing 3 kg or more of F gases must include additional system records in the existing records referred to in Article 3(6) of Regulation (EC) No. 842/2006.





Article 6 refers to the follow-up check that must be carried out, one month after repairing a leak, in those areas where the leakage was found and repaired (Article 3[2] of Regulation [EC] No. 842/2006).

Regulation (EC) No. 1494/2007 of 17 December 2007 establishing the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases

**Link to**

- Regulation (EC) No. 842/2008 through the Preamble and Articles 1 and 4

**Analysis**

Article 1 determines the scope of this act which establishes the form of the labels to be used and additional labelling requirements for:

- (a) refrigeration products and equipment that contain perfluorocarbons or preparations containing perfluorocarbons;
- (b) refrigeration and air-conditioning products and equipment (other than those contained in motor vehicles), heat pumps, fire protection systems and fire extinguishers, if the respective type of product or equipment contains hydrofluorocarbons or preparations containing hydrofluorocarbons;
- (c) switchgear that contains sulphur hexafluoride or preparations containing sulphur hexafluoride; and
- (d) all fluorinated greenhouse gas containers (Article 7[2] of Regulation [EC] No. 842/2006).

Article 4 specifies that the labels may be placed on the product or equipment, adjacent to the service points for charging or recovering the F gas, or on that part of the product or equipment that contains the F gas (Article 7[1] of Regulation [EC] No. 842/2006), as well as on or adjacent to nameplates or product information labels, or adjacent to servicing access locations.

Regulation (EC) No. 1493/2007 of 17 December 2007 establishing the format for the report to be submitted by producers, importers and exporters of certain fluorinated greenhouse gases

**Links to**

- Regulation (EC) No. 842/2006 through the Preamble and Article 1

**Analysis**

This provision clarifies that this act includes in its Annex the format of the report that producers, consumers and exporters of F gases must use to submit relevant information to the EC and

to the national competent authorities (Article 6[1] of Regulation [EC] No. 842/2006).

Regulation (EC) No. 706/2007 of 21 June 2007, laying down administrative provisions for the EC type-approval of vehicles, and a harmonised test for measuring leakages from certain air-conditioning systems

**Links to**

- Directive 2006/40/EC through the Preamble and Articles 1 and 7

**Analysis**

According to Article 7, Annex II contains the harmonised leakage detection test for examining whether the maximum permissible leakage limits referred to in Articles 5(2) and 5(3) of Directive 2006/40/EC have been exceeded.

Regulation (EC) No. 842/2006 of 17 May 2006 on certain fluorinated greenhouse gases

**Links to**

- Council Decision 94/69/EC through the Preamble

**Analysis**

- Council Decision 2002/358/EC through the Preamble

Directives 67/548/EEC and 1999/45/EC through Article 7

Article 7 clarifies that this act contains labelling requirements for products and equipment containing F gases that are additional to those contained in Directives 67/548/EEC and 1999/45/EC.

- Directive 94/48/EC through Article 2

- Directive 96/61/EC, 2000/53/EC and 2002/96/EC through the Preamble and Article 1

- Directive 98/34/EC through Article 11

- Directive 2006/40/EC through the Preamble



