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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.07.2004
C(2004) 2515/8 final

COMMISSION DECISION

of 7 July 2004

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

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(Only the Slovenian text is authentic)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC¹, and in particular Article 9(3) thereof,

Whereas:

- (1) The national allocation plan of Slovenia for the period 2005-2007, developed under Article 9(1) of Directive 2003/87/EC, was notified to the Commission on 29 April 2004 and registered on 3 May 2004. Slovenia submitted additional information completing the notified plan by letter received on 23 June 2004 in reply to questions from the Commission.
- (2) The Climate Change Committee has considered the national allocation plan and has called on the Commission to *inter alia* compare the proposed allocation to Slovenia's projections for the non-trading and trading sectors, and urged the Commission to compare Slovenia's allocation to recent historic and projected emissions and to examine the justification for deviations from recent historic and projected emissions for the trading sector. The views of the Climate Change Committee have been taken into account.
- (3) The national allocation plan, including the total quantity of allowances stated therein, has been evaluated in accordance with the Commission Communication on guidance to assist Member States in the implementation of the criteria listed in Annex III to Directive 2003/87/EC².
- (4) On the basis of the information provided by the Member State, the Commission therefore considers that any potential aid is likely to be compatible with the common market should it be assessed in accordance with Article 88(3) of the Treaty.

¹ OJ L 275, 25.10.2003, p. 32.

² COM(2003)830 final

- (5) The Commission considers that in the period of the current allocation plan, the information provided by the Member State on the transfer rule demonstrates that for this period no advantage going beyond what is justified by the environmental benefit of the measure is granted to replacement installations compared to similar investments by other new entrants. For the following period, no difference exists between installations subject to the transfer rule and those to be covered by the reserve for new entrants.
- (6) This decision is without prejudice to the approval of Slovenia's application for the unilateral inclusion of installations included in the Community scheme in accordance with the procedure referred to in Article 23(2) of Directive 2003/87/EC.
- (7) The reports on the implementation of policies and measures and the use of the Kyoto Protocol's mechanisms submitted by Member States pursuant to Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol³ are taken into account for evaluation of the national allocation plans pursuant to criterion 2 of Annex III to Directive 2003/87/EC,

HAS ADOPTED THIS DECISION:

Article 1

No objections are raised to the national allocation plan of Slovenia with regard to the criteria of Annex III to the Directive or with regard to Article 10 thereof.

Article 2

The allocations specified in the national allocation plan for installations which Slovenia intends to be unilaterally included in the Community scheme in accordance with Article 24 of Directive 2003/87/EC raise no objections for the purpose of this Decision, subject to the approval of that application and the implementation of the requested unilateral inclusion.

Article 3

1. The total quantity of allowances to be allocated by Slovenia according to its national allocation plan to installations listed therein and to new entrants shall not be exceeded.
2. The national allocation plan may be amended without prior acceptance by the Commission if the amendment consists in modifications of the allocation of allowances to individual installations within the total quantity resulting from improvements to data quality.
3. Any amendments to the national allocation plan other than those referred to in paragraph 2 of this Article shall be notified to the Commission and accepted in accordance with Article 9(3) of Directive 2003/87/EC.

³ OJ L 49, 19.02.2004, p. 1.

Article 4

This Decision is addressed to the Republic of Slovenia.

Done at Brussels, 7 July 2004