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Committee on the Environment, Public Health and Food Safety

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DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend greenhouse gas emission allowance trading system of the Community (COM(2008)0016 – C6-0043/2008 – 2008/0013(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Avril Doyle

Draftswoman:

Lena Ek, Committee on Industry, Research and Energy

(*) Associated committee - Rule 47 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend greenhouse gas emission allowance trading system of the Community
(COM(2008)0016 – C6-0043/2008 – 2008/0013(COD))**

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0016),
 - having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0043/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy, the Committee on International Trade, the Committee on Economic and Monetary Affairs, the Committee on Regional Development (A6-0000/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a directive – amending act Recital 3

Text proposed by the Commission

(3) The European Council has made a firm commitment to reduce the overall greenhouse gas emissions of the Community by at least 20% below 1990 levels by 2020, and by 30% provided that other developed countries commit themselves to comparable emission reductions and economically more advanced developing countries contribute adequately according to their responsibilities and respective capabilities.

Amendment

(3) The European Council has made a firm commitment to reduce the overall greenhouse gas emissions of the Community by at least 20% below 1990 levels by 2020, and by 30% provided that other developed countries commit themselves to comparable emission reductions and economically more advanced developing countries contribute adequately according to their responsibilities and respective capabilities.

By 2050, global greenhouse gas emissions should be reduced by at least 50% below their 1990 levels. All sectors of the economy should contribute to achieving these emission reductions.

By 2050, global greenhouse gas emissions should be reduced by at least 50% below their 1990 levels. All sectors of the economy should contribute to achieving these emission reductions, ***including shipping and aviation. Aviation is contributing to the 20% and 30% reductions through its inclusion in the Community scheme. Until shipping is included in the Community scheme, which should take place no later than 2015, emissions from shipping must be included in the Decision on the effort of Member States to meet the Community's greenhouse gas emission reduction commitments up to 2020.***

Or. en

Amendment 2

Proposal for a directive – amending act Recital 15 (a) (new)

Text proposed by the Commission

Amendment

(15a) Given the magnitude and speed of global deforestation, it is essential for revenues from auctioning in the Community scheme to be used to reduce deforestation and increase sustainable afforestation and reforestation. In addition, the EU should work to establish an internationally recognised system for reducing deforestation and increasing afforestation and reforestation. Revenues should be contributed by Member States on the basis of a 'Coalition of the Willing' to an EU or international fund to be effectively disbursed for this and other purposes internationally.

Or. en

Amendment 3

Proposal for a directive – amending act Recital 16

Text proposed by the Commission

(16) Consequently, full auctioning should be the rule from 2013 onwards for the power sector, taking into account their ability to pass on the increased cost of CO₂, **and no free allocation should be given for carbon capture and storage as the incentive for this arises from allowances not being required to be surrendered in respect of emissions which are stored.** Electricity generators *may* receive free allowances for **heat produced through high efficiency cogeneration as defined by Directive 2004/8/EC in the event that such heat produced by installations in other sectors were to be given free allocations,** in order to avoid distortions of competition.

Amendment

(16) Consequently, full auctioning should be the rule from 2013 onwards for the power sector, taking into account their ability to pass on the increased cost of CO₂. **Where electricity producers are producers of heating or cooling through high-efficiency cogeneration as defined by Directive 2004/8/EC, the** electricity generators **should** receive free allowances for **this heating or cooling,** in order to avoid distortions of competition **due to increased costs of CO₂.**

Or. en

Amendment 4

Proposal for a directive – amending act Recital 16a

Text proposed by the Commission

(16a) The main long-term incentive for carbon capture and storage is that allowances will not need to be surrendered for CO₂ which is permanently stored. In addition, to accelerate deployment of the first commercial facilities, auction revenues should be used and extra allowances should be given from the new entrants reserve to the first 12 such facilities in the EU or any third country that has ratified the future international agreement on climate change.

Amendment

Amendment 5

Proposal for a directive – amending act Recital 18

Text proposed by the Commission

(18) Transitional free allocation to installations should be provided for through harmonised Community-wide rules ("benchmarks") in order to minimise distortions of competition with the Community. These rules should take account of the most greenhouse gas and energy efficient techniques, substitutes, alternative production processes, use of biomass, renewables and greenhouse gas capture and storage. Any such rules should not give incentives to increase emissions and ensure that an increasing proportion of these allowances is auctioned. Allocations must be fixed prior to the trading period so as to enable the market to function properly. They *shall* also avoid undue distortions of competition on the markets for electricity and *heat* supplied to industrial installations. These rules should apply to new entrants carrying out the same activities as existing installations receiving transitional free allocations. To avoid any distortion of competition within the internal market, no free allocation should be made in respect of the production of electricity by new entrants. Allowances which remain in the set-aside for new entrants in 2020 should be auctioned.

Amendment

(18) Transitional free allocation to installations should be provided for through harmonised Community-wide rules ("benchmarks") in order to minimise distortions of competition with the Community. These rules should take account of the most greenhouse gas and energy efficient techniques, substitutes, alternative production processes, use of biomass, renewables and greenhouse gas capture and storage. ***Notwithstanding the availability of electric arc furnaces as an alternative production process, these harmonised rules may also take into account emissions related to the use of combustible waste gases from blast oxygen furnaces when the production of these waste gases cannot be avoided in the blast furnace production process for steel; in this respect the rules may provide for allowances to be allocated for free to the blast furnaces where these gases originate.*** Any such rules should not give incentives to increase emissions and ***should*** ensure that an increasing proportion of these allowances is auctioned. Allocations must be fixed prior to the trading period so as to enable the market to function properly. They ***should*** also avoid undue distortions of competition on the markets for electricity and ***heating and cooling*** supplied to industrial installations. ***They should further avoid undue distortions of competition between industrial activities carried out in installations operated by a single operator and production in outsourced installations.*** These rules should apply to new entrants carrying out the same

activities as existing installations receiving transitional free allocations. To avoid any distortion of competition within the internal market, no free allocation should be made in respect of the production of electricity by new entrants. Allowances which remain in the set-aside for new entrants in 2020 should be auctioned.

Or. en

Amendment 6

Proposal for a directive – amending act Recital 19

Text proposed by the Commission

(19) The Community will continue to take the lead in the negotiation of an ambitious international agreement that will achieve the objective of limiting global temperature increase to 2°C and is encouraged by the progress made in Bali towards this objective. In the event that other developed countries and other major emitters of greenhouse gases do not participate in this international agreement, this could lead to an increase in greenhouse gas emissions in third countries where industry would not be subject to comparable carbon constraints (“carbon leakage”), and at the same time could put certain energy-intensive sectors and sub-sectors in the Community which are subject to international competition at an economic disadvantage. This could undermine the environmental integrity and benefit of actions by the Community. To address the risk of carbon leakage, the Community will allocate allowances free of charge up to 100% to sectors or sub-sectors meeting the relevant criteria. The definition of these sectors and sub-sectors and the measures required will be subject to re-assessment to ensure that action is taken where necessary and to avoid overcompensation. For those

Amendment

(19) The Community will continue to take the lead in the negotiation of an ambitious international agreement that will achieve the objective of limiting global temperature increase to 2°C and is encouraged by the progress made in Bali towards this objective. In the event that other developed countries and other major emitters of greenhouse gases do not participate in this international agreement, this could lead to an increase in greenhouse gas emissions ***from less carbon efficient installations*** in third countries where industry would not be subject to comparable carbon constraints (“carbon leakage”), and at the same time could put certain energy-intensive sectors and sub-sectors in the Community which are subject to international competition at an economic disadvantage. This could undermine the environmental integrity and benefit of actions by the Community. To address the risk of carbon leakage, the Community will allocate allowances free of charge up to 100% to sectors or sub-sectors meeting the relevant criteria. The definition of these sectors and sub-sectors and the measures required will be subject to re-assessment to ensure that action is taken where necessary

specific sectors or sub-sectors where it can be duly substantiated that the risk of carbon leakage cannot be prevented otherwise, where electricity constitutes a high proportion of production costs and is produced efficiently, the action taken may take into account the electricity consumption in the production process, without changing the total quantity of allowances.

and to avoid overcompensation. For those specific sectors or sub-sectors where it can be duly substantiated that the risk of carbon leakage cannot be prevented otherwise, where electricity constitutes a high proportion of production costs and is produced efficiently, the action taken may take into account the electricity consumption in the production process, without changing the total quantity of allowances.

Or. en

Amendment 7

Proposal for a directive – amending act Recital 22

Text proposed by the Commission

(22) In order to provide predictability, operators should be given certainty about their potential after 2012 to use CERs and ERUs ***up to the remainder of the level which they were allowed to use in the period 2008 to 2012, from project types which were accepted by all Member States in the Community scheme during the period 2008 to 2012.*** As carry-over by Member States of CERs and ERUs held by operators between commitments periods under international agreements ('banking' of CERs and ERUs) cannot take place before 2015, and only if Member States choose to allow the banking of those CERs and ERUs within the context of limited rights to bank such credits, this certainty should be given by requiring Member States to allow operators to exchange such CERs and ERUs issued in respect of emission reductions before 2012 for allowances valid from 2013 onwards. However, as Member States should not be obliged to accept CERs and ERUs which it is not certain they will be able to use towards their existing international

Amendment

(22) ***The EU ETS and other countries' emissions trading systems should facilitate demand for credits from real, verifiable, additional and permanent emission reductions from projects in countries contributing constructively to tackling climate change. Once countries have ratified the future international agreement on climate change, 'Gold Standard' type credits from those countries should be acceptable for all emission trading systems.*** In order to provide predictability, operators should be given certainty about their potential after 2012 to use ***'Gold Standard' type CERs and 'Gold Standard' type ERUs. Operators should be allowed to use such credits up to an average of 5% of their emissions, during the period from 2013 to 2020, provided they use less than 6,5% of ERUs and CERs compared to their 2005 emissions during the 2008 - 2012 period and they do not carry over entitlements under Article 11a(2). This ensures that in the period 2008 - 2012, operators effectively reduce emissions below 2005***

commitments, this requirement should not extend beyond 31 December 2014. Operators should be given the same certainty concerning such CERs issued from projects that have been established before 2013 in respect of emission reductions from 2013 onwards.

levels. Furthermore, it also provides for the use of 1,9 billion tonnes over the period of 2008 - 2020 or an additional 500 million tonnes above the Commission's proposal, which represents 50% of the effort. As carry-over by Member States of CERs and ERUs held by operators between commitments periods under international agreements ('banking' of CERs and ERUs) cannot take place before 2015, and only if Member States choose to allow the banking of those CERs and ERUs within the context of limited rights to bank such credits, this certainty should be given by requiring Member States to allow operators to exchange such CERs and ERUs issued in respect of emission reductions before 2012 for allowances valid from 2013 onwards. However, as Member States should not be obliged to accept CERs and ERUs which it is not certain they will be able to use towards their existing international commitments, this requirement should not extend beyond 31 December 2014. Operators should be given the same certainty concerning such CERs issued from projects that have been established before 2013 in respect of emission reductions from 2013 onwards.

Or. en

Justification

Whilst a high degree of flexibility must be maintained within the scheme, it is paramount that JI/CDM projects adhere to certain rules and standards in order to ensure real and verifiable emission reductions.

Amendment 8

Proposal for a directive – amending act Recital 25

Text proposed by the Commission

(25) Once a future international agreement on climate change has been **reached, CDM**

Amendment

(25) Once a future international agreement on climate change has been **ratified by the**

credits from third countries should only be accepted in the Community scheme once those countries have ratified the international agreement.

Community, and additional credits up to half of the additional reduction taking place in the Community scheme may be used, the percentage of 'Gold Standard' type CERs and 'Gold Standard' type ERUs allowed to operators should be increased above 5%.

Or. en

Amendment 9

Proposal for a directive – amending act

Article 1 – point 1

Directive 2003/87/EC

Article 1 - new paragraph

Text proposed by the Commission

It also provides for the reductions of greenhouse gas emissions to be increased so as to contribute to the levels of reductions that are considered scientifically necessary to avoid dangerous climate change.

Amendment

It also provides for the reductions of greenhouse gas emissions to be increased so as to contribute to the levels of reductions that are considered scientifically necessary to avoid dangerous climate change. *The Community should proceed to implement the 30% reduction below 1990 levels to take effect upon completion of the ratification procedure by the Community of a future international agreement on climate change.*

Or. en

Amendment 10

Proposal for a directive – amending act

Article 1 – point 2 - point b

Directive 2003/87/EC

Article 3 – point (h)

Text proposed by the Commission

(h) 'new entrant' means any installation carrying out one or more of the activities indicated in Annex I, which has obtained a greenhouse gas emission permit

Amendment

(h) 'new entrant' means any installation carrying out one or more of the activities indicated in Annex I, which has obtained a greenhouse gas emission permit *or an*

subsequent to the submission to the Commission of the list referred to in Article 11(1);

update of its greenhouse gas emission permit because of a significant change in the nature or functioning or a significant extension of the installation, subsequent to the submission to the Commission of the list referred to in Article 11(1);

Or. en

Justification

In the current Commission proposal, capacity extensions are no longer defined as new entrants. This brings a difference, only allocating new installations with GHG credits, and leaving capacity expansions to auctioning. The Commission proposal brings an uneven balance between new installations and capacity upgrades, not bringing the most efficient approach and potentially harming innovation in existing processes.

Amendment 11

Proposal for a directive – amending act

Article 1 – point 5

Directive 2003/87/EC

Article 9 – paragraph 2

Text proposed by the Commission

The Commission shall, by **30 June 2010**, publish the absolute quantity of allowances for 2013, based on the total quantities of allowances issued by the Member States in accordance with the Commission Decisions on their national allocation plans for the period 2008 to 2012.

Amendment

The Commission shall, by **30 September 2009**, publish the absolute quantity of allowances for 2013, based on the total quantities of allowances issued ***or to be issued*** by the Member States in accordance with the Commission Decisions on their national allocation plans for the period 2008 to 2012.

Or. en

Justification

The amount of allowances to be issued by Member States under their national allocation plan for 2008-2012 should be finalised before 2010, so this date can be brought forward.

Amendment 12

Proposal for a directive – amending act

Article 1 – point 6

Directive 2003/87/EC

Article 9a – paragraph 2 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

In respect of installations which are excluded from the Community scheme pursuant to Article 27, the total quantity of allowances shall be reduced accordingly.

Or. en

Justification

Should installations be excluded from the Community scheme, then the amount of allowances will have to be reduced accordingly in order to secure the overall cap of the scheme.

Amendment 13

Proposal for a directive – amending act

Article 1 – point 7

Directive 2003/87/EC

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. ***From 2013 onwards***, Member States shall auction all allowances which are not allocated free of charge in accordance with Article 10a.

1. ***For periods commencing 2013***, Member States shall auction all allowances which are not allocated free of charge in accordance with Article 10a. ***By 31 December 2010 the Commission shall determine, on the basis of reports submitted and Article 10a(6), and publish the anticipated Community-wide amount of allowances to be auctioned for the period 2013 to 2020.***

Or. en

Justification

It is critical for the proper functioning of both the ETS and the electricity sector that auctions

of allowances for 2013 onwards take place well in advance of 1st January 2013.

Amendment 14

Proposal for a directive – amending act

Article 1 – point 7

Directive 2003/87/EC

Article 10 – paragraph 3

Text proposed by the Commission

3. At least **20%** of the revenues generated from the auctioning of allowances referred to in paragraph 2, **including all revenues from the auctioning referred to in point (b) thereof, should be used** for the following:

(a) to reduce greenhouse gas emissions, including by contributing to the Global Energy Efficiency and Renewable Energy Fund, to adapt to the impacts of climate change and to fund research and development for reducing emissions and adapting, including participation in initiatives within the framework of European Strategic Energy Technology Plan;

(b) to develop renewable energies to meet the commitment of the Community to using 20% renewable energies by 2020, and to meet the commitment of the Community to increase energy efficiency by 20% by 2020;

(c) for the capture and geological storage of greenhouse gases, in particular from coal power stations;

(d) for measures to avoid deforestation, in particular in Least Developed Countries;

Amendment

3. At least **50%** of the revenues generated from the auctioning of allowances referred to in paragraph 2 **shall be transferred by Member States, on the basis of a 'Coalition of the Willing', to a fund established at Community or international level** for the following:

(a) one quarter for measures to contribute to funds to avoid deforestation and increase afforestation and reforestation in countries that have ratified the future international agreement, taking into account:

- the rights and needs of indigenous people;

- the preservation of biodiversity; and

- the sustainable use of forest resources;

(b) one quarter to reduce emissions in countries that have ratified the future international agreement, and to transfer technology to those countries, e.g. through the Global Energy Efficiency and Renewable Energy Fund;

(c) one half to facilitate adaptation to the adverse effects of climate change in countries that have ratified the future international agreement on climate change.

(e) to facilitate developing countries' adaptation to the impacts of climate change;

(f) to address social aspects in lower and middle income households, for example by increasing their energy efficiency and insulation; and

(g) to cover administrative expenses of the management of the Community scheme.

Or. en

Amendment 15

Proposal for a directive – amending act

Article 1 – point 7

Directive 2003/87/EC

Article 10 – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. Revenues not used under paragraph 3, including all revenues from the auctioning referred to in paragraph 2(b), should be used:

(a) to reduce greenhouse gas emissions, to adapt to the impacts of climate change and to fund research and development for reducing emissions and adaptation, including participation in initiatives within the framework of the European Strategic Energy Technology Plan;

(b) to develop renewable energies to meet the commitment of the Community to using 20% renewable energies by 2020;

(c) to meet the commitment of the Community to increase energy efficiency by 20% by 2020;

(d) for the capture and geological storage of greenhouse gases, in particular from coal power stations;

(e) to finance research and development in energy efficiency and clean technologies in the sectors covered by the

scope of the directive;

(f) for additional measures to avoid deforestation, to promote sustainable afforestation and forest management in Europe and produce and mobilise sustainable biomass in the Community;

(g) to address social aspects in lower and middle income households, for example by increasing their energy efficiency and insulation;

(h) to encourage a shift to low emission forms of transport, including modal shift, and to offset the increased cost of power for electric traction in the rail sector; and

(i) to cover administrative expenses of the management of the Community scheme.

Or. en

Justification

Auctioning revenues should in principle be used to create the low carbon sectors of the future, by reinvesting the funds into the sectors involved.

Amendment 16

Proposal for a directive – amending act

Article 1 – point 7

Directive 2003/87/EC

Article 10 – paragraph 4

Text proposed by the Commission

4. Member States shall include information on the use of revenues for each of **these** purposes in their reports submitted under Decision No 280/2004/EC.

Amendment

4. Member States shall include information on the use of revenues for each of **the** purposes **set out in paragraphs 3 and 3a** in their reports submitted under Decision No 280/2004/EC.

Or. en

Amendment 17

Proposal for a directive – amending act

Article 1 – point 7

Directive 2003/87/EC

Article 10 – paragraph 5

Text proposed by the Commission

5. By **31 December 2010**, the Commission shall adopt a Regulation on timing, administration and other aspects of auctioning to ensure that it is conducted in an open, transparent and non-discriminatory manner. Auctions shall be designed to ensure that operators, and in particular any small and medium *size* enterprises covered by the Community scheme, have **full** access and **any other** participants do not undermine the operation of the auction. That measure, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article [23(3)].

Amendment

5. By **30 September 2010**, the Commission shall adopt a Regulation on timing, administration and other aspects of auctioning to ensure that it is conducted in an open, **harmonised**, transparent and non-discriminatory manner. ***To this end the process should be predictable in particular as regards the timing and sequencing of auctions and the volumes to be made available. The Commission shall consult with all relevant stakeholders in advance of submitting that measure.*** Auctions shall be designed **and conducted** to ensure that:

(a) operators, and in particular any small and medium *sized* enterprises covered by the Community scheme, have **fair and equal** access and **may participate fully**;

(b) **participation in the process is cost-effective for operators**;

(c) **all participants have access to the same information at the same time; and**

(d) participants do not undermine the operation of the auction.

That measure, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article [23(3)].

Or. en

Justification

The Directive should provide more guidance to the Commission in respect of the Regulation to be adopted on auctioning under paragraph (5). In particular, the Commission should be required to consult with relevant stakeholders in advance of the preparation of this Regulation. Auctions should also aim to ensure liquidity is maintained in the market and avoid distorting the existing secondary markets.

Amendment 18

Proposal for a directive – amending act

Article 1 – point 7

Directive 2003/87/EC

Article 10 – paragraph 5a (new)

Text proposed by the Commission

Amendment

5a. Member States, in consultation with the Commission, may authorise a common agency or institution to act on their behalf in auctioning allowances. Revenues arising from the auctions carried out by a common agency or institution shall be distributed among Member States in accordance with paragraph 2 as soon as practicable following each auction.

Or. en

Justification

The total Community-wide quantum of allowances for auction must be determined and reported to allow Member States to calculate the amount of allowances they may auction in accordance with Article 10(2). The complexity and administrative cost of hosting auctions in 27 Member States should be taken into account with regard to the upcoming Commission's Regulation on Auctioning.

Amendment 19

Proposal for a directive – amending act

Article 1 – point 8

Directive 2003/87/EC

Article 10a – paragraph 1

1. The Commission shall, by **30 June 2011**, adopt Community wide and fully-harmonised implementing measures for allocating the allowances referred to in paragraphs 2 to 6 and 8 in a harmonised manner.

Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article [23(3)].

The measures referred to in the first subparagraph shall, to the extent feasible, ensure that allocation takes place in a manner that gives incentives for greenhouse gas and energy efficient techniques and for reductions in emissions, by taking account of the most efficient techniques, substitutes, alternative production processes, use of biomass and greenhouse gas capture and storage, and shall not give incentives to increase emissions. No free allocation shall be made in respect of any electricity production.

The Commission shall, upon the conclusion by the Community of **an** international agreement on climate change leading to mandatory reductions of greenhouse gas emissions comparable to those of the Community, review those measures to provide that free allocation only takes place where this is fully justified in the light of that agreement.

1. The Commission shall, by **31 December 2010**, adopt Community wide and fully harmonised implementing measures for allocating the allowances referred to in paragraphs 2 to 6 and 8 in a harmonised manner.

Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article [23(3)].

The measures referred to in the first subparagraph shall, to the extent feasible, **establish harmonised benchmarks to** ensure that allocation takes place in a manner that gives incentives for greenhouse gas and energy efficient techniques and for reductions in emissions, by taking account of the most efficient techniques **and technologies**, substitutes, alternative production processes, use of biomass and greenhouse gas capture and storage, and shall not give incentives to increase emissions. **Those measures may also take into account emissions related to the use of combustible waste gases from blast oxygen furnaces when the production of these waste gases cannot be avoided in the blast furnace production process for steel; in this respect the measures may provide for allowances to be allocated for free to the blast furnaces where these gases originate.** No free allocation shall be made in respect of any **net sale of** electricity production **to third parties**.

The Commission shall, upon the conclusion by the Community of **a future** international agreement on climate change leading to mandatory reductions of greenhouse gas emissions comparable to those of the Community, review those measures to provide that free allocation only takes place where this is fully justified in the light of that agreement.

Justification

This brings forward the date by which the Commission must adopt rules for the free allocation of allowances. Article 11(1) provides that Member States must submit a finalised list of installations and their free allocations to the Commission by 30 June 2011. Given that Member States should consult with installations on this list and the general public, the proposed period is too short. In addition, free allocation to net sellers of electricity should be avoided in order to prevent distortions in the electricity market. Furthermore, energy efficiency should be promoted with respect to the issue of waste gases emanating from steel production.

Amendment 20

Proposal for a directive – amending act

Article 1 – point 8

Directive 2003/87/EC

Article 10a – paragraph 2

Text proposed by the Commission

2. Subject to **paragraph 3**, no free allocation shall be given to electricity generators, to installations for the capture, pipelines for the transport or to storage sites for greenhouse gas emissions.

Amendment

2. Subject to **paragraphs 3 and 6a**, no free allocation shall be given to electricity generators, to installations for the capture, pipelines for the transport or to storage sites for greenhouse gas emissions.

Or. en

Amendment 21

Proposal for a directive – amending act

Article 1 – point 8

Directive 2003/87/EC

Article 10a – paragraph 3

Text proposed by the Commission

3. **Free allocation may be given to electricity generators in** respect of the production of **heat** through high efficiency cogeneration as defined by Directive 2004/8/EC for economically justifiable demand to ensure equal treatment **with regard to other producers of heat**. In each

Amendment

3. **Where producers of heating or cooling receive a free allocation under paragraph 1** in respect of the production of **heating or cooling** through high efficiency cogeneration as defined by Directive 2004/8/EC for economically justifiable demand, **free allocation shall be given to**

year subsequent to 2013, the total allocation to such installations in respect of the production of that heat shall be adjusted by the linear factor referred to in Article 9.

electricity generation in respect of auto-consumption of electricity to ensure equal treatment. In each year subsequent to 2013, the total allocation to such installations in respect of the production of that heat shall be adjusted by the linear factor referred to in Article 9.

Or. en

Amendment 22

Proposal for a directive – amending act

Article 1 – point 8

Directive 2003/87/EC

Article 10a – paragraph 6a (new)

Text proposed by the Commission

Amendment

6a. 60 million allowances in the new entrants reserve shall be reserved until 31 December 2015 to be given to the first 12 facilities which have begun to commercially capture and geologically store carbon dioxide emissions before this date, at the rate of one allowance for each tonne permanently stored by 2016. These 12 facilities are to be determined by the Commission before 1 January 2013.

This opportunity shall apply to facilities anywhere in the EU, or in third countries that have ratified the future international agreement.

Or. en

Amendment 23

Proposal for a directive – amending act

Article 1 – point 8

Directive 2003/87/EC

Article 10a – paragraph 8

Text proposed by the Commission

8. In 2013 and in each subsequent year up to 2020, installations in sectors which are exposed to a significant risk of carbon leakage shall be allocated allowances free of charge up to 100 percent of the quantity determined in accordance with paragraphs 2 to 6.

Amendment

8. In 2013 and in each subsequent year up to 2020, installations in sectors **or sub-sectors** which are exposed to a significant risk of carbon leakage shall be allocated allowances free of charge up to 100 percent of the quantity determined in accordance with paragraphs 2 to 6.

Or. en

Amendment 24

Proposal for a directive – amending act

Article 1 – point 8

Directive 2003/87/EC

Article 10b – introduction and indent 1

Text proposed by the Commission

Not later than **June 2011**, the Commission shall, in the light of the outcome of the international negotiations and the extent to which these lead to global greenhouse gas emission reductions, and after consulting with all relevant social partners, submit to the European Parliament and to the Council an analytical report assessing the situation with regard to energy-intensive sectors or sub-sectors that have been determined to be exposed to significant risks of carbon leakage. This shall be accompanied by any appropriate proposals, which may include:

– adjusting the proportion of allowances received free of charge by those sectors or sub-sectors under Article 10a;

Amendment

Not later than **31 December 2010**, the Commission shall, in the light of the outcome of the international negotiations and the extent to which these lead to global greenhouse gas emission reductions, and after consulting with all relevant social partners, submit to the European Parliament and to the Council an analytical report assessing the situation with regard to energy-intensive sectors or sub-sectors that have been determined to be exposed to significant risks of **loss of significant market share to less carbon efficient installations outside the Community in countries which do not participate in the future international agreement ("carbon leakage")**. This shall be accompanied by any appropriate proposals, which may include:

– adjusting, **maintaining or increasing** the proportion of allowances received free of charge by those sectors or sub-sectors under Article 10a;

Justification

A definition of 'Carbon Leakage' is important in order to establish a fundamental understanding of what industry sectors are actually affected and to what extent. The amount of free allowances can only be determined after the COP-15 negotiations in Copenhagen in December 2009 after which the Commission will have submitted its report on 'Carbon Leakage'. In relation to this, no presumptions should be made at this point in time.

Amendment 25**Proposal for a directive – amending act****Article 1 – point 9**

Directive 2003/87/EC

Article 11 – paragraph 1

Text proposed by the Commission

1. Each Member State shall publish and submit to the Commission, by **30 September 2011**, the list of installations covered by this Directive in its territory and any free allocation to each installation in its territory calculated in accordance with the rules referred to in Article 10a(1).

Amendment

1. Each Member State shall publish and submit to the Commission, by **30 June 2011, national implementation measures stating** the list of installations covered by this Directive in its territory and any free allocation to each installation in its territory **for each year in the period covered** calculated in accordance with the rules referred to in Article 10a(1).

Or. en

Justification

The paragraph should clarify that the list contains the annual allocation for each of the years 2013 to 2020.

Amendment 26**Proposal for a directive – amending act****Article 1 – point 9**

Directive 2003/87/EC

Article 11 – paragraph 1a (new)

*Text proposed by the Commission**Amendment*

1a. The Member States shall only issue

allowances for free under paragraph 2 when the national implementation measures are accepted by the Commission.

Or. en

Justification

There is a need for the Commission to have a role in approving National Implementation Measures (NIMs) to ensure Member States are applying the rules on free allocation to their installations in a consistent manner.

Amendment 27

Proposal for a directive – amending act

Article 1 – point 9

Directive 2003/87/EC

Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. By 28 February of each year, the competent authorities shall issue the quantity of allowances that are to be distributed for that year, calculated in accordance with Articles 10 and 10a.

Amendment

2. By 28 February of each year, the competent authorities shall, ***in accordance with their national implementation measures***, issue the quantity of allowances that are to be distributed for that year, calculated in accordance with Articles 10 and 10a.

Or. en

Justification

Time will need to be built into the approvals process to allow Member States to amend NIMs if they are rejected by the Commission.

Amendment 28

Proposal for a directive – amending act

Article 1 – point 9

Directive 2003/87/EC

Article 11a – paragraph 2

Text proposed by the Commission

2. Operators may request the competent authority, to the extent that the levels of CER/ERU use allowed to them by Member States for the period 2008 to 2012 have not been used up, to issue allowances to them valid from 2013 onwards in exchange for CERs and ERUs issued in respect of emission reductions up until 2012 from **project types** which were accepted by all Member States in the Community scheme during the period 2008 to 2012. Until 31 December 2014, the competent authority shall make such an exchange on request.

Amendment

2. Operators may request the competent authority, to the extent that the levels of CER/ERU use allowed to them by Member States for the period 2008 to 2012 have not been used up, to issue allowances to them valid from 2013 onwards in exchange for CERs and ERUs issued in respect of emission reductions up until 2012 from **'Gold Standard' type projects** which were accepted by all Member States in the Community scheme during the period 2008 to 2012. Until 31 December 2014, the competent authority shall make such an exchange on request.

Or. en

Amendment 29

Proposal for a directive – amending act

Article 1 – point 9

Directive 2003/87/EC

Article 11a – paragraph 3

Text proposed by the Commission

3. To the extent that the levels of CER/ERU use allowed to operators by Member States for the period 2008 to 2012 have not been used up, competent authorities shall allow operators to exchange CERs from projects that were established before 2013 issued in respect of emission reductions from 2013 onwards for allowances valid from 2013 onwards.

The first subparagraph shall apply for all **project types** which were accepted by all Member States in the Community scheme during the period 2008 to 2012.

Amendment

3. To the extent that the levels of CER/ERU use allowed to operators by Member States for the period 2008 to 2012 have not been used up, competent authorities shall allow operators to exchange CERs from **'Gold Standard' type projects** that were established before 2013 issued in respect of emission reductions from 2013 onwards for allowances valid from 2013 onwards.

The first subparagraph shall apply for all **'Gold Standard' type projects** which were accepted by all Member States in the Community scheme during the period 2008 to 2012.

Or. en

Amendment 30

Proposal for a directive – amending act

Article 1 – point 9

Directive 2003/87/EC

Article 11a – paragraph 4 – subparagraph 2

Text proposed by the Commission

The first subparagraph shall apply to CERs for all **project types** which were accepted by all Member States in the Community scheme during the period 2008 to 2012, until those countries have ratified an agreement with the Community or until 2020, whichever is the earlier.

Amendment

The first subparagraph shall apply to CERs for all **'Gold Standard' type projects** which were accepted by all Member States in the Community scheme during the period 2008 to 2012, until those countries have ratified an agreement with the Community or until 2020, whichever is the earlier.

Or. en

Amendment 31

Proposal for a directive – amending act

Article 1 – point 9

Directive 2003/87/EC

Article 11a – paragraph 6

Text proposed by the Commission

6. Any agreements referred to in paragraph 5 shall provide for the use of credits in the Community scheme from renewable energy or energy efficiency technologies which promote technological transfer, sustainable development. Any such agreement may also provide for the use of credits from projects where the baseline used is below the level of free allocation under the measures referred to in Article 10a or below the levels required by Community legislation.

Amendment

6. Any agreements referred to in paragraph 5 shall provide for the use of credits in the Community scheme from renewable energy or energy efficiency technologies which promote technological transfer *and* sustainable development. Any such agreement may also provide for the use of credits from projects, ***such as from sustainable forestry activities in developing countries with which an agreement has been concluded in accordance with paragraph 5***, where the baseline used is below the level of free allocation under the measures referred to in Article 10a or below the levels required by Community legislation.

Amendment 32

Proposal for a directive – amending act

Article 1 – point 9

Directive 2003/87/EC

Article 11a – paragraph 7

Text proposed by the Commission

7. **Once an international agreement on climate change has been reached**, only CERs from third countries which have ratified **that** agreement shall be accepted in the Community scheme.

Amendment

7. **From 2013**, only '**Gold Standard**' type CERs and '**Gold Standard**' type ERUs from third countries which have ratified **the future international** agreement on climate change shall be accepted in the Community scheme. **In the period 2008 to 2012, allocations in the Community scheme shall be 6,5% less than the emissions in 2005. All operators who, in that period, used a lower percentage of ERUs and CERs compared to their emissions and who do not carry over entitlements under paragraph 2, shall be allowed to use such credits up to 5 % of their emissions each year during the period from 2013 to 2020, as shall new entrants and new sectors.**

Or. en

Justification

This wording ensures that all operators can use JI/CDM of a high standard where the host countries have ratified the Copenhagen climate agreement, in the period 2013-2020. Operators have a choice of this new entitlement, at a level of 5% of their annual emissions, or carrying over what they had in NAPII. Companies will obviously do whichever gives them the largest entitlement.

Amendment 33

Proposal for a directive – amending act

Article 1 – point 10 a (new)

Directive 2003/87/EC

Article 12 – paragraph 3a (new)

Text proposed by the Commission

Amendment

(10a) In Article 12, the following paragraph 3a is inserted:

"3a. An obligation to surrender allowances shall not arise in respect of emissions verified as captured and transmitted for permanent storage to a facility for which a permit is in force in accordance with Directive 2008/xxx/EC on the geological storage of carbon dioxide."

Or. en

Amendment 34

Proposal for a directive – amending act

Article 1 – point 17

Directive 2003/87/EC

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may amend the Annexes to this Directive, with the exception of ***Annex I***, in the light of the reports provided for in Article 21 and of the experience of the application of this Directive. Annexes IV and V may be amended in order to improve the monitoring, reporting and verification of emissions.

The Commission may amend the Annexes to this Directive, with the exception of ***Annexes I and IIa***, in the light of the reports provided for in Article 21 and of the experience of the application of this Directive. Annexes IV and V may be amended in order to improve the monitoring, reporting and verification of emissions.

Or. en

Justification

Annex IIa is a political decision and therefore should be subject to co-decision, not comitology.

Amendment 35

Proposal for a directive – amending act

Article 1 – point 20

Directive 2003/87/EC

Article 25 – paragraphs 1a and 1b

Text proposed by the Commission

1a. Agreements may be made to provide for the recognition of allowances between the Community scheme and mandatory greenhouse gas emissions trading systems with absolute emissions caps established in any other country or in sub-federal or regional entities.

1b. Non-binding arrangements may be made with third countries or with sub-federal or **regional entities** to provide for administrative and technical coordination in relation to allowances in the Community scheme or other greenhouse gas emissions trading systems with absolute emissions caps.

Amendment

1a. Agreements may be made to provide for the recognition of allowances between the Community scheme and mandatory greenhouse gas emissions trading systems with absolute emissions caps established in any other **region**, country or in sub-federal or **sub-national** entities.

1b. Non-binding arrangements may be made with **regional entities or** third countries or with sub-federal or **sub-national** entities to provide for administrative and technical coordination in relation to allowances in the Community scheme or other greenhouse gas emissions trading systems with absolute emissions caps.

Or. en

Justification

This clarifies that linking to schemes which are sub-national but not federal will be possible, and that regional entities include supra-national entities.

Amendment 36

Proposal for a directive – amending act

Article 1 – point 21

Directive 2003/87/EC

Article 28 – paragraph 1

Text proposed by the Commission

1. Upon **the conclusion** by the Community of **an international agreement** on climate change leading, by 2020, to mandatory reductions of greenhouse gas emissions exceeding the minimum reduction levels agreed upon by the European Council,

Amendment

1. Upon **ratification** by the Community of **the future international agreement** on climate change leading, by 2020, to mandatory reductions of greenhouse gas emissions exceeding the minimum reduction levels agreed upon by the

paragraphs 2, 3 and 4 shall apply.

European Council, paragraphs 2, 3 and 4 shall apply.

Or. en

Amendment 37

Proposal for a directive – amending act

Article 1 – point 21

Directive 2003/87/EC

Article 28 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Installations should be allowed to use credits, up to a percentage of their annual verified emissions, from sustainable actions to reduce deforestation and increase afforestation and reforestation in developing countries under a future international agreement on climate change, once appropriate provisions on liability, discounting and permanence are laid down and which are acceptable also, at the very least, in any US federal emissions trading system.

Or. en

Amendment 38

Proposal for a directive – amending act

Annex 1 – point 3 - point c - point iii

Directive 2003/87/EC

Annex I – table

Text proposed by the Commission

(iii) the following paragraphs are added:

"Installations for the manufacture of rock wool <i>or stone wool</i> with a capacity exceeding 20 tonnes per day	Carbon dioxide
Installations for the drying or calcination of gypsum or for the production of plaster	Carbon dioxide"

boards and other gypsum products, where combustion installations with a rated thermal input exceeding 20 MW are operated.	
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Amendment

(iii) the following paragraphs are added:

"Installations for the manufacture of mineral wool insulation material using glass, rock or slag with a melting capacity exceeding 20 tonnes per day	Carbon dioxide
Installations for the drying or calcination of gypsum or for the production of plaster boards and other gypsum products, where combustion installations with a rated thermal input exceeding 20 MW are operated.	Carbon dioxide"

Or. en

Justification

For technical clarification purposes.

EXPLANATORY STATEMENT

Emissions trading is by no means a novel concept and is certainly not unique to Europe. However, the EU Emissions Trading Scheme (ETS) is unique in that it is the first international trading system for CO₂ emissions. It currently covers over 10,000 installations in the energy and industrial sectors which are collectively responsible for close to half of the EU's emissions of CO₂ and 40% of its total greenhouse gas emissions. It is, therefore, rightly referred to as the cornerstone of the EU's strategy for fighting climate change.

The EU ETS Review is part of the Commission's 'Climate and Renewable Energy Package', which was adopted on the 23 January of this year. The package includes draft proposals on Effort Sharing, Energy from Renewable Sources, Carbon Capture and Storage and a draft proposal on the Review of the EU ETS Directive - a proposal that is very balanced and significantly improves and extends the EU ETS.

This proposal seeks to amend the Directive 2003/87/EC¹ which established the EU ETS. The goal is, for the period beyond 2012, to strengthen, expand and improve the functioning of the ETS as one of the most important and cost-effective tools for achieving the EU's target for reducing greenhouse gas emissions. The mandate for this derives from last year's March 2007 European Council, which called for a reduction in EU emissions of at least 20% by 2020 compared with 1990 levels, and by 30% if other industrialised countries commit to comparable efforts in the framework of a global agreement to combat climate change. The decision to launch negotiations to draw up a 'post-Kyoto agreement' was taken last December at the UN climate change conference in Bali. It is imperative that an agreement at international level be reached at the Conference of Parties meeting in Copenhagen in 2009 in order to tackle this pressing global problem. If Europe is to lead the way then we will have to come up with viable solutions for tackling global climate change and a fully functioning EU ETS will make a major contribution.

The proposal to revise the Directive balances the need for economic efficiency and fairness between sectors and Member States, and will provide for more certainty for industry. It sets out projections for the emission reductions required by the sectors covered by the ETS and increased harmonisation will make the system simpler and more transparent, thereby increasing its attractiveness for other countries and regions to link up to it.

The Rapporteur appreciates the work done by the Commission and is supportive of the general framework of the Commission proposal, as well as the 21% reduction target below 2005 emissions. Upon the conclusion of an international agreement, automatic and predictable adjustments to the cap will be made, reflecting the EU's commitment to increase its reduction target from 21% to 30%. The Rapporteur is also supportive of a single harmonised Cap, as well as the 8-year trading period to 2020 and a linear reduction in the cap to 2025, by which point a review is foreseen.

100% Auctioning for the power sector by 2013 is reasonable given the sector's clear potential to pass on any legitimate costs to the consumer, if necessary. In addition, full auctioning should be sought for all sectors by 2020 given that it is the most efficient and transparent method of allocating allowances.

¹ As amended by the 'Linking Directive' 2004/101/EC.

However, there are areas where the Rapporteur has incorporated changes in her report.

1. There is a real need for more certainty on the issue of those sectors most affected by Carbon Leakage. European Businesses and investors need to be reassured that in the event of an International Agreement not being reached at COP-15 in 2009, they will not be left to carry the burden, alone.

The Commission will review the situation with sectors and sub sectors subject to international competition and make any necessary proposals by 31 December 2010, 6 months ahead of what was originally foreseen. Those sectors deemed to be at significant risk of carbon leakage could receive up to 100% of allowances free of charge or, a system could be introduced to put those installations at significant risk on an equal footing with those in third countries. However, the Rapporteur believes that it would be detrimental to the chances of international negotiations reaching an international climate agreement, if certain sectors were to be named outright in the proposal. Furthermore, one should not attempt to pre-empt the soon-to-be published findings on the European Commission study on this issue. The Rapporteur has also tightened the definition of what constitutes 'carbon leakage' in order to promote the global environmental benefit.

2. All operators who used a lower percentage of ERUs and CERs compared to their emissions in the 2008-2012 phase and who do not carry over entitlements, shall be allowed to use credits up to 5 % of their emissions each year during the period from 2013 to 2020, as shall new entrants and new sectors. This accounts for almost half of the abatement in the 2013 - 2020 period. Such projects would, furthermore, only be permitted from countries which have ratified the International Agreement on climate change and adhere to qualitative rules. The Rapporteur would like to highlight the need for more stringent criteria by permitting 'Gold standard' type CERs and ERUs only. In the case of a international agreement on climate change being reached, the amount of JJ/CDM credits would be increased over.
3. Global deforestation is taking place at an alarming rate and its serious contribution to CO2 emissions cannot be ignored. For this reason, the Rapporteur has foreseen a substantial amount of the revenues from auctioning to be allocated towards contributing to funds to avoid deforestation, to promote sustainable afforestation and reforestation in countries that have ratified the international agreement on climate change.
4. Shipping has thus far not been included and an impact analysis will be required. Lack of verified emissions data to date seems to be a problem in this regard. The Rapporteur foresees that until shipping is included in the EU ETS, which should take place no later than 2015, emissions from shipping should be included in the Decision on the effort of Member States to meet the Community's greenhouse gas emission reduction commitments up to 2020.
5. The Rapporteur is aware of the potential of Carbon Capture and Storage (CCS) technology and sees this as part of the solution to reducing global carbon emissions. Hence, it is proposed that 60 million allowances in the new entrants reserve (NER) shall be reserved until 31 December 2015 to be given to the first 12 facilities, which

have begun to commercially capture and geologically store carbon dioxide emissions before this date and which are based anywhere in the EU, or in third countries that have ratified the international agreement on climate change. The 12 pilot projects are to be determined by the Commission before 1 January 2013.

6. Auctioning should be the basic principle for allocation of allowances, and should be applied to the power sector from 2013. Where producers of heating or cooling receive a free allocation in respect of the production of heating or cooling through high efficiency cogeneration as defined by Directive 2004/8/EC, free allocation shall also be given to electricity generation in respect of auto-consumption of electricity to ensure equal treatment. No free allocation shall be made in respect of any net sale of electricity production to third parties. Similarly, rules may provide for allowances to be allocated for free to the blast furnaces where the production of waste gases cannot be avoided.

The Rapporteur believes that to date, politicians have failed miserably to respond adequately to the climate challenge and the 2C° target laid out so clearly in the peer reviewed scientific literature, the IPCC reports and in the Stern Review amongst others. This time we cannot be found wanting - our children, their children, depend on us.

ANNEX - LIST OF SUBMISSIONS BY STAKEHOLDERS¹

Organisation	Representative
Aer Lingus	Mark Dunphy
AFEP	Francois-Nicolas Boquet
Air Products	Deirdre O'Brien, Ian Brass
Alcoa Europe	Simon Baker
Arcelor Mittal	Koen Coppenholle
Arkema	Nick Campbell
Assoc. of European Airlines	Le Thi Mai
Aughinish Alumina	Liam Fleming
Austrian Perm Rep - WKO	Nora Kutzbach-Berger, Axel Steinsberg
Avisa	Laila Kjeldsen
BASF	Wolfgang Gerhardt
Bayer	Axel Jorns, Wilfried Koeplin
BDI / BDA	Tim Peters
Belgian DG Energy & Environment	Tomas Velghe
Belgian DG Environment	Geert Fremont
Belgian Perm Rep	Didier Seeuws, Denis Van Eeckhout
Bloomberg	Jonathan Stearns
Bord na Mona	John Reilly
Business Europe	Christian Faustel, Nick Campbell
Caisse des Depots	Christian de Perthuis
Cambridge University	Michael Grubb
CAN Europe	Matthias Duwe, Thomas Wynn
Carbon Markets Assoc	Adam Nathan
CE	Jasper Faber
CEFIC	Susanne Kuschel, Peter Botschek, Charles Laroche
Cembureau	Jean-Marie Chandelle
CEMEX	Martin Casey, Yolanda Crozier
CEMEX	Yolanda Crozier
Center for Clean Air Policy	Jake Schmidt, Edward Helme
CEPI	Marco Mensink, Teresa Presas
CEPS	Christian Egenhofer
CES ETUC	Sophie Dupressoir
CGEMP - Paris University	Michel Cruciani
Climate Change Capital	Kate Hampton
Clogrennane Lime Ltd	Larry Byrne
COGEN Europe	Fiona Riddoch
Coillte	Ciaran Black, Tim Crowley
Consultant	Dr Kevin Bradley
CPA	Ann Kelly

¹ The list is not exhaustive

Cumerio / NA	Patricia Barrios
Danish Perm Rep	Jens August Kisling, Jes Brogaard Nielsen
DB	Werner Lübberink
DEFRA	David Kapper
EACI	William Gillett
Eco Securities	Miles Austin
EEB	Elena Lymberidi
EESC	Josef Zboril, Amelia Munoz Caberzón, Derek Osborn
Emirates	Andrew Parker, Will Löfberg
Environmental Defense	Jennifer Haverkamp, Annie Petsonk
EPF	Kris Wijnendaele
EU DG Enterprise & Industry	Joachim Ehrenberg
EU DG Environment	Jos Delbeke, Yvon Slingenberg, Damien Meadows, Peter Zapfel, Scott Brockett
EuLA	Dr Michelle Wyart-Remy, Larry Byrne, Laila Kjeldsen (Consultant)
Eurelectric	Gael Glorieux, John Scowcroft
Euro Alliages	Michel Vander Straeten
EUROFER	Axel Eggert
Eurofer	Axel Eggert, Bernhard Kohl
Eurogypsum	Christine Marlet
Eurometaux	Robert Jeekel
European Climate Foundation	Jules Kortenhorst
European Confederation of Woodworking industries	Bert D'Hooghe
Europia	Chris Beddoes
Eustafor	Erik Kosenkranius
EXCA	Karin Gäbel
Finnish Perm Rep	Mika Kukkonen, Tuula Varis, Merja Paavola, Mikko Alkio
French Perm Rep	François Gave, Stéphane Pailler
GCP	Andrew Mitchell
GE	Declan Hartnett
German Foreign Office	Michael Claus, Manfred Auster
German Min. - Environment, Nature conservation & Nuclear safety	Dirk Weinreich, Franzjosef Schafhausen
German Perm Rep	Rainer Steffens
Grian	Pat Finnegan
Harvard University	Michael McElroy
Hydro	Bjorn Tretvoll
IACA	Sylviane Lust, Koen Vermeir
IATA	Carlos Grau Tanner, Paul Steele
IDDRI	Matthieu Wemaere
IEA	Barbara Buchner

IETA	Michela Beltracchi, Henry Derwent
IFIEC Europe	Hans Grünfeld
IMA Europe	Michelle Wyart-Remy
Institute for European Environmental Policy	Jason Anderson
Irish Dairy Industries Assoc	Michael Barry
Irish Min. Agriculture, Food & rural development	Michael MacCarthy
Irish Perm Rep	Donal Enright
Italian Dept. for EU affairs	Carlo Viviani
Italian Min. for Environment, Land & Sea	Mariano Morazzo
JC - consulting attorney / Emissions trading	Jos Cozijnsen
JP Morgan	Richard Folland
Kashue	Andrzej Blachowicz
Kevin Leydon & Associates	Kevin Leydon
Ludwig-Maximilian University	Roland Ismer
NERA	Daniel Radov
Öko-institut	Felix Matthes
Premier Periclase	Patrick McCleery
PT Management Consultants	Peter Tjan
Rhodia	Xavier du Colombier
Rio Tinto	Hugh Porteous
RWE	Frank Bao
SFM (UK)	Eric Bettelheim
Shell	David Hone, Ivan Martin, Christian Balmes
Slovenian Perm Rep	Zoran Kus
Smurfit Kappa Group	Gary McGann, Frank Doyle
Solomon Associates	Robert E Broadfoot, Bill L Trout, Lawrence M Anness, Greg M Barats
Svensk Energi	Maria Suner Fleming, Inge Pierre, Per-Olaf Granström
Swedish Energy Agency	Ulrika Raab
Swedish Ministry of Environment	Emi Hijino
UCD	Frank Convery
VIK	Annette Loske
World Bank	Jamal Saghir, Katherine Sierra
World Resources Institute	Jonathan Pershing
WRI	Jonathan Pershing
WWF	Sanjeev Kumar, Delia Villgrasa, Damien Demailly, Elizabeth Drury
Xstrata	Rainer Menge