



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.03.1999

COM(1999)126 final

96/0192 (SYN)

Re-examined proposal for a

COUNCIL DECISION

**Amending Decision 389/93/EEC for a monitoring mechanism of Commu
CO₂ and other greenhouse gas emissions**

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

The purpose of the Decision is to amend Decision 93/389/EEC so as to strengthen the monitoring mechanism of Community CO₂ and other greenhouse gases; in particular to provide for monitoring after the year 2000 and to extend it to all greenhouse gases not controlled by the Montreal Protocol.

- The Commission submitted to the Council its original proposal on the above subject on 4 September 1996 (COM(96)369 final – 96/0192 (SYN)) (OJ C 314, 24.10.1996, p11)
- The Economic and Social Committee gave its Opinion on 29 January 1997 (OJ C 89, 19.03.1997, p7)
- The European Parliament gave its Opinion at first reading on 18 September 1997 (OJ C 304, 06.10.1997, p109)
- The Commission submitted its amended proposal (COM (98)108 final - 96/0192 (SYN)) on 2 March 1998 (OJ C 120, 18.04.1998, p.22)
- The Council reached agreement with a view to adopting a common position at its meeting on 23 March 1998
- The Council adopted its common position on 16 June 1998.
- The European Parliament examined the Council's common position at second reading on 8-9 February 1999 and approved it subject to 8 proposed amendments.

The Commission has examined the 8 amendments and has incorporated all of them in their entirety in this re-examined proposal.

1. AMENDMENTS 1, 2 AND 4

Amendments 1, 2 and 4 identify the year 2005 as an important marker date. Indeed Article 3.2 of the Kyoto Protocol on climate change requires the Parties to have made demonstrable progress in achieving their commitments by 2005.

- **Amendment 1 (recital 6a, new)** introduces a recital containing such a reference.
- **Amendment 2 (Article 2(2)b,(ii))**, in deleting the expression 'to the extent possible', requests each Member State to provide information on the effects of policies and measures on emissions and removals and incorporation of these projections between the base year and 2005. The Commission agrees that these effects and their incorporation into the national programmes will provide information of the utmost importance to evaluate the progress made in achieving the Kyoto Protocol commitments.
- **Amendment 4 (Article 3(2) – 3rd subparagraph)**, in deleting the expression 'as far as possible', requests each Member State to report annually on the most recent projected emissions by sources and removals by sinks not only for the first

commitment period (2008-2012) but also for 2005. The Commission agrees that such most recent projections will provide information of utmost importance to evaluate the progress made in achieving the Kyoto Protocol commitments.

2. AMENDMENT 3 (ARTICLE 2(2)C – 3RD INDENT)

Amendment 3, in deleting the expression 'as far as possible', requests each Member State to provide estimations for emissions projections at regular intervals of greenhouse gases not covered in Annex A of the Kyoto Protocol. Such an obligation was included in the original Commission proposal. The Commission agrees that these data provide relevant information on several greenhouse gases not covered yet by the quantitative requirements of the Kyoto Protocol.

3. AMENDMENT 7 (ARTICLE 3(2) – 4TH SUBPARAGRAPH)

Amendment 7 requires the Commission to take further steps to ensure (instead of promoting) some improvement regarding national inventories and reporting. The Commission agrees that further steps relating to the comparability, transparency, accuracy, completeness and verifiability of Member States inventories and reporting would help to better understand and assess national emissions data. This should be done in accordance with the international reporting requirements as it is now specified in this re-examined proposal.

4. AMENDMENT 5 (ARTICLE 5(2))

Amendment 5 gives the Commission more time (2 months) to forward to the other Member States the national programmes which it has received. The two months period is in the original Decision 389/93 and is therefore acceptable to the Commission.

5. AMENDMENT 8 (ARTICLE 6)

Article 6 asks the Commission to report annually on the evaluation of progress towards fulfilling the Community and Member States commitments under the UNFCCC and the Kyoto Protocol. Amendment 8 proposes that the Commission indicates explicitly in its annual evaluation report when newly reported data from Member States are absent or are incomplete. The Commission agrees with this amendment since it increases the transparency, and therefore the understanding, of the evaluation report.

6. AMENDMENT 6 (ARTICLE 8)

Amendment 6 proposes to change the role of the committee under the monitoring Decision from regulatory (Procedure IIIa) to advisory (Procedure I). This is accepted since in practice the committee existing under the current monitoring decision has functioned as an advisory one.

Re-examined proposal for a

COUNCIL DECISION

**Amending Decision 389/93/EEC for a monitoring mechanism of Community
CO2 and other greenhouse gas emissions**

Text of the Common Position

Re-examined proposal

Recital 6a (new)

Whereas the Kyoto Protocol requires Annex
I parties to have made demonstrable
progress in achieving their commitments
under the Protocol by 2005 ;

ARTICLE 2(2)(b)(ii)

(ii) to the extent possible, for the
greenhouse gases listed in Annex A
to the Kyoto Protocol between the
base year and 2005,

(ii) for the greenhouse gases listed in
Annex A to the Kyoto Protocol
between the base year and 2005,

ARTICLE 2(2)(c), 3rd indent

- as far as possible, estimates for
emissions projections at regular
intervals in the future and as being
agreed upon in accordance with the
procedure set out in Article 8, on the
basis of standard procedural
guidelines, including information for

- estimates for emissions projections
at regular intervals in the future and
as being agreed upon in accordance
with the procedure set out in Article
8, on the basis of standard
procedural guidelines, including
information for a quantitative

a quantitative understanding of the key assumptions and the methodology used for the provision of the estimates.

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ARTICLE 3(2), 3rd subparagraph

Member States shall also report by 31 December on the most recent projected emissions by sources and removals by sinks of the greenhouse gases listed in Annex A to the Kyoto Protocol for the period 2008-2012 and, as far as possible, for 2005.

Member States shall also report by 31 December on the most recent projected emissions by sources and removals by sinks of the greenhouse gases listed in Annex A to the Kyoto Protocol for the period 2008-2012 and for 2005.

ARTICLE 3(2), 4th subparagraph

The Commission shall take further steps to promote the comparability and transparency of national inventories and reporting.

The Commission shall take further steps to ensure the comparability, transparency, accuracy, completeness and verifiability of national inventories and reporting, in line with reporting requirements under the UNFCCC and under the Kyoto Protocol.

ARTICLE 5(2)

2. The Commission shall forward to the other Member States the national programmes received, within one month of their reception.

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ARTICLE 6

The Commission shall assess annually in consultation with Member States whether

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the actual and projected progress of Member States, including the contribution made by Community measures, towards fulfilling the Community's commitments under the UNFCCC and the Kyoto Protocol is sufficient to ensure that the Community and its Member States are on course to fulfil their commitments and shall report to the European Parliament and the Council, on the basis of information received under Articles 2, 3 and 5. The Commission's report shall be made available to the European Parliament and the Council even in the case of incomplete data being received from Member States, and the Commission may include in this case the best available data in the report, in consultation with the Member State concerned.

the actual and projected progress of Member States, including the contribution made by Community measures, towards fulfilling the Community's commitments under the UNFCCC and the Kyoto Protocol is sufficient to ensure that the Community and its Member States are on course to fulfil their commitments and shall report to the European Parliament and the Council, on the basis of information received under Articles 2, 3 and 5. The Commission's report shall be made available to the European Parliament and the Council even in the case of incomplete data being received from Member States; where this is the case, the Commission may include the best available data in the report, in consultation with the Member State concerned, and reference shall also be made in the report to the absence or incompleteness of newly reported data from Member States.

ARTICLE 8

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

1. The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by a representative of the Commission

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary, by taking a vote.

3 (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken.

The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the committee of the manner in which its opinion has been taken into account.

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DOCUMENTS

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