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COUNCIL DECISION

of 24 June 1993

for a monitoring mechanism of Community CO_2 and other greenhouse gas emissions

(93/389/EEC)

(OJ L 167, 9.7.1993, p. 31)

Amended by:

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COUNCIL DECISION

of 24 June 1993

for a monitoring mechanism of Community CO_2 and other greenhouse gas emissions

(93/389/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal of the Commission,

Having regard to the opinion of the European Parliament ([1]),

Having regard to the opinion of the Economic and Social Committee ([2]),

Whereas the 1973 ([3]), 1977 ([4]), and 1983 ([5]) Community action programmes on the environment stress the importance of the reduction and prevention of atmospheric pollution; whereas, in addition, the 1987 ([6]) action programme emphasizes the importance for Community action to concentrate as a priority on the reduction at source of such pollution; whereas the 1993 Community programme of policy and action in relation to the environment and sustainable development has as one of its principal themes climate change and outlines the need for action in the relevant economic sectors so that CO_2 and other greenhouse gas emissions are controlled;

Whereas the Council resolution of 16 September 1986 concerning new Community energy policy objectives for 1995 and convergence of the policies of the Member States ([7]) calls for a search for balanced solutions as regards energy and the environment;

Whereas, at its meeting in Dublin in June 1990, the European Council urged the adoption as soon as possible of targets and strategies for limiting emissions of greenhouse gases;

Whereas, at their meeting on 29 October 1990, the Council (Environment and Energy Ministers) agreed that the Community and Member States, assuming that other leading countries undertook similar commitments, and acknowledging the targets identified by a number of Member States for stabilizing or reducing emissions by different dates, were willing to take actions aimed at reaching stabilization of the total CO_2 emissions by 2000 at the 1990 level in the Community as a whole, and also that Member States which start from relatively low levels of energy consumption and therefore low emissions measured on a per capita or other appropriate basis are entitled to have CO_2 targets and/or strategies corresponding to their economic and social development, while improving the energy efficiency of their economic activities;

Whereas, at their meeting on 13 December 1991, the Council (Energy and Environment Ministers) invited the Commission to propose concrete measures arising from the Community strategy and required that such measures should take into account the concept of equitable burden sharing, according to the conclusions of the Council meeting of 29 October 1990;

Whereas the Commission has underlined, in the framework of a Community strategy to limit CO_2 emissions and to improve energy efficiency, the need to set up a mechanism of monitoring and evaluation;

([1]) OJ No C 115, 26. 4. 1993.
([2]) OJ No C 73, 15. 3. 1993, p. 73.
([3]) OJ No C 112, 20. 12. 1973, p. 1.
([4]) OJ No C 139, 13. 6. 1977, p. 1.
([5]) OJ No C 46, 17. 2. 1983, p. 1.
([6]) OJ No C 328, 7. 12. 1987, p. 1.
([7]) OJ No C 241, 25. 9. 1986, p. 1.

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Whereas such monitoring and evaluation should be integrated as closely as possible into the existing reviews of energy programmes of Member States, as mentioned in the abovementioned Council resolution of 16 October 1986;

Whereas all Member States and the Community are signatories to the United Nations framework convention on climate change, which, when ratified, will commit the developed countries and other Parties listed in Annex I to the Convention to take measures to limit anthropogenic emissions of CO_2 and other greenhouse gases not controlled by the Montreal Protocol with the aim of returning individually or jointly to the 1990 levels these anthropogenic emissions by the end of the present decade: whereas, in this perspective, it is desirable to ensure consistency with the monitoring mechanism to be established under the Convention; whereas this is particularly relevant as regards methodologies for compiling inventories and reporting requirements;

Whereas on the occasion of the signing of the said Convention the Community and its Member States reaffirmed the objective of stabilization of CO_2 emissions by 2000 at 1990 levels in the Community as a whole, as set out in the Council conclusions of 29 October 1990, 13 December 1991, 5 May and 26 May 1992,

HAS ADOPTED THIS DECISION:

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Article 1

This Decision establishes a mechanism for:

— monitoring all anthropogenic greenhouse gas emissions not controlled by the Montreal Protocol in the Member States; and

— evaluating progress towards meeting commitments in respect of these emissions.

Article 2

National programmes

1. The Member States shall devise, publish and implement national programmes for limiting and/or reducing their anthropogenic emissions by sources and enhancing removals by sinks of all greenhouse gases not controlled by the Montreal Protocol in order to contribute to:

— the stabilisation of CO_2 emissions by 2000 at 1990 levels in the Community as a whole, assuming that other leading countries undertake commitments along similar lines, and on the understanding that Member States which start from relatively low levels of energy consumption and therefore low emissions measured on a per capita or other appropriate basis are entitled to have CO_2 targets and/or strategies corresponding to their economic and social development, while improving the energy efficiency of their economic activities, as agreed at the Council meetings of 29 October 1990, 13 December 1991 and 15 and 16 December 1994,

— the fulfilment of the Community's commitments relating to the limitation and/or reduction of all greenhouse gas emissions not controlled by the Montreal Protocol under the UN Framework Convention on Climate Change and under the Kyoto Protocol,

— transparent and accurate monitoring of the actual and projected progress of Member States, including the contribution made by Community measures, in meeting any agreed national contributions to the Community's commitments under the UN Framework Convention on Climate Change and the Kyoto Protocol.

These programmes shall be periodically updated.

2. Each Member State shall include in its national programme:

(a) estimates of the effect of policies and measures on emissions and removals and incorporation of these in projections for CO_2 and other greenhouse gases not controlled by the Montreal Protocol

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between the base year and 2000, in line with the reporting requirements under the UN Framework Convention on Climate Change;

(b) as a minimum for the six greenhouse gases listed in Annex A to the Kyoto Protocol (carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF_6)),

— its 1990 base year anthropogenic emissions of carbon dioxide, methane and nitrous oxide in accordance with Article 3(1),

— its 1990 and/or 1995 base year anthropogenic emissions of hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride determined in accordance with Article 3(1),

— inventories of its anthropogenic emissions by sources and removal by sinks, determined in accordance with Article 3(1),

— details of national policies and measures implemented or committed to since the base year which contribute significantly to its efforts to reduce emissions and enhance sinks of greenhouse gases, organised by gas and by sector and including the objective of the measure, the type of policy instrument used by measure, the status of implementation of the policy or measure as well as, where possible, intermediate indicators of progress for policies and measures,

— measures being taken or envisaged for the implementation of relevant Community legislation and policies,

— estimates of the effect of policies and measures on emissions and removals and incorporation of these in projections:

(i) for the greenhouse gases listed in Annex A to the Kyoto Protocol between the base year and the period 2008 to 2012; and

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

in accordance with the procedure set out in Article 8, on the basis of standard procedural guidelines, including information for a quantitative understanding of the key assumptions used to develop the said projections and the methodology used for the provision of the estimates,

— an assessment of the economic impact of the above measures, to the extent possible;

(c) information on the following gases: carbon monoxide (CO), nitrogen oxides (NOx), non methane volatile organic compounds (NMVOCs) and sulphur oxides, in line with the reporting requirements under the UNFCCC, including:

— data on emissions,

— a description of policies and measures being taken or envisaged for the limitation and/or reduction of the emissions of these gases,

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

Article 3

Inventories and data reporting

1. Member States shall determine their anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, as specified in Article 2(2), in accordance with the methodologies accepted by the IPCC and agreed upon by the Conference of the Parties. They shall be revised, in accordance with the procedure under Article 8, as appropriate, to take fully into account any relevant future decisions by the Conference of the Parties.

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2. Member States shall each year, not later than 31 December, report to the Commission their anthropogenic CO_2 emissions and CO_2 removal by sinks for the previous calendar year.

Member States shall also report national inventory data on emissions by sources and removals by sinks of the other greenhouse gases referred to in Article 2(2) on an annual basis. They shall report to the Commission by 31 December their final data for the previous year but one, and provisional data for the previous year.

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 to 2012 and, as far as possible, for 2005.

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

3. The Commission shall, in cooperation with the Member States, establish, on the basis of the information provided by them, inventories of anthropogenic greenhouse gas emissions and removal by sinks in the Community. The Commission shall circulate to all Member States by 1 March these inventories based on data received in accordance with paragraph 2.

Article 4

Procedures and methods for evaluation

In accordance with the procedure referred to in Article 8, the Commission shall establish procedures and methods for the evaluation of national programmes as referred to in Article 6 and the frequency of updating by the Member States.

Article 5

Evaluation of national programmes and of the state of emissions in the Community

1. Member States shall forward to the Commission their existing national programmes not already forwarded, or updates of programmes already forwarded, within three months of receiving notification of this Decision.

Future national programmes and their updates shall be forwarded to the Commission within three months of their adoption.

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

3. The Commission shall evaluate the national programmes, in order to assess whether progress in the Community as a whole is sufficient to ensure fulfilment of the commitments referred to in Article 2(1).

4. The Commission shall report to the European Parliament and the Council the results of its evaluation within six months of the reception of the national programmes.

The European Environment Agency will assist in compiling this report as appropriate, in accordance with its annual work programme.

Article 6

Evaluation of progress

The Commission shall assess annually in consultation with Member States whether 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

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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.

Article 7

Other greenhouse gases

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Article 8

Committee

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.

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.

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Article 9

This Decision is addressed to the Member States.