

Commission Decision (EU) 2020/2166 of 17 December 2020 on the determination of the Member States' auction shares during the period 2021-2030 of the EU Emissions Trading System (notified under document C(2020) 8945) (Text with EEA relevance)

COMMISSION DECISION (EU) 2020/2166

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on the determination of the Member States' auction shares during the period 2021-2030 of the EU Emissions Trading System

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC⁽¹⁾, and in particular Article 3d(3) and Article 10(2) thereof,

Whereas:

- (1) As regards the auctioning of allowances, Directive (EU) 2018/410 of the European Parliament and of the Council⁽²⁾ amended Article 10(2) and Annex IIa of Directive 2003/87/EC, for the period beginning on 1 January 2021. In accordance with Article 10(2)(a) of Directive 2003/87/EC, 90 % of the total quantity of allowances issued pursuant to Chapter III of Directive 2003/87/EC ('general allowances') to be auctioned are distributed among Member States in shares that are identical to the share of the verified emissions under the EU ETS for 2005 or the average of the period from 2005 to 2007, whichever one is the highest. Pursuant to Article 10(2)(b) of Directive 2003/87/EC, the remaining 10 % of the total quantity of general allowances to be auctioned are distributed amongst certain Member States for the purposes of solidarity, growth and interconnections within the Union, thereby increasing the amount of allowances that those Member States auction by the percentages specified in Annex IIa of Directive 2003/87/EC.
- (2) On 1 February 2020, the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community⁽³⁾ entered into force. In addition, as from the end of the transition period established in Article 126 of that Agreement, the Protocol on Ireland/Northern Ireland to that Agreement applies. The Member States' auction shares should be established so as take account of the withdrawal of the United Kingdom from the European Union and of the Protocol on Ireland/Northern Ireland.

Changes to legislation: There are outstanding changes not yet made to Commission Decision (EU) 2020/2166. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The Member States' shares of general allowances pursuant to Article 10(2)(a) of Directive 2003/87/EC over the period 2021 – 2030 are determined on the basis of the same data used for the period 2013 – 2020, with the exception of the corrections made to the verified emissions of the Member States for 2005 or the average of the period from 2005 to 2007, recorded in the Union Registry and available in the European Union Transaction Log (EUTL) as of 30 June 2020⁽⁴⁾. In accordance with Commission Implementing Regulation (EU) 2018/2066⁽⁵⁾, the complete, consistent, transparent and accurate monitoring and reporting of greenhouse gas emissions are fundamental for the functioning of the EU ETS. Therefore, it is appropriate to use the most recent data recorded in the Union Registry and available in the EUTL for the determination of the Member States' auction shares of general allowances. Pursuant to Article 35(6) of Commission Regulation (EU) No 389/2013⁽⁶⁾, the annual verified emissions for an installation or an aircraft operator in the Union Registry may be corrected retroactively in order to ensure compliance with Articles 14 and 15 of Directive 2003/87/EC. Since 2012, such corrections to the verified emissions in the period from 2005 to 2007 have been made, as more accurate data was recorded by the EU ETS operators in the Union Registry and is now available in the EUTL.
- (4) Pursuant to Article 3d(3) of Directive 2003/87/EC, the number of allowances issued pursuant to Chapter II of Directive 2003/87/EC ('aviation allowances') to be auctioned by each Member State should be proportionate to its share of the total attributed aviation emissions for all Member States for the relevant reference year. For the period from 2021 to 2030, the relevant reference year is 2018 and the relevant scope is that established by Regulation (EU) 2017/2392 of the European Parliament and of the Council⁽⁷⁾. The Commission has collected the data on the aviation emissions in 2018 from Eurocontrol in order to establish the Member States' auction shares of aviation allowances,

HAS ADOPTED THIS DECISION:

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- (1) [OJ L 275, 25.10.2003, p. 32.](#)
- (2) Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 ([OJ L 76, 19.3.2018, p. 3](#)).
- (3) Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ([OJ L 29, 31.1.2020, p. 7](#)).
- (4) Ares(2020)4979599.
- (5) Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 ([OJ L 334, 31.12.2018, p. 1](#)).
- (6) Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 ([OJ L 122, 3.5.2013, p. 1](#)).
- (7) Regulation (EU) 2017/2392 of the European Parliament and of the Council of 13 December 2017 amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021 ([OJ L 350, 29.12.2017, p. 7](#)).

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