

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 (Text with EEA relevance)

[^{F1}CHAPTER IV

PROVISIONS APPLYING TO AVIATION AND STATIONARY INSTALLATIONS]

[^{F1}Article 28

Adjustments applicable upon the approval by the [^{F2}Union] of an international agreement on climate change

1 Within three months of the signature by the [^{F2}Union] of an international agreement on climate change leading, by 2020, to mandatory reductions of greenhouse gas emissions exceeding 20 % compared to 1990 levels, as reflected in the 30 % reduction commitment as endorsed by the European Council of March 2007, the Commission shall submit a report assessing, in particular, the following elements:

- a the nature of the measures agreed upon in the framework of the international negotiations as well as the commitments made by other developed countries to comparable emission reductions to those of the [^{F2}Union] and the commitments made by economically more advanced developing countries to contributing adequately according to their responsibilities and respective capabilities;
- b the implications of the international agreement on climate change, and consequently, options required at [^{F2}Union] level, in order to move to the more ambitious 30 % reduction target in a balanced, transparent and equitable way, taking into account work under the Kyoto Protocol's first commitment period;
- c the [^{F2}Union] manufacturing industries' competitiveness in the context of carbon leakage risks;
- d the impact of the international agreement on climate change on other [^{F2}Union] economic sectors;
- e the impact on the [^{F2}Union] agriculture sector, including carbon leakage risks;
- f the appropriate modalities for including emissions and removals related to land use, land use change and forestry in the [^{F2}Union];
- g afforestation, reforestation, avoided deforestation and forest degradation in third countries in the event of the establishment of any internationally recognised system in this context;
- h the need for additional [^{F2}Union] policies and measures in view of the greenhouse gas reduction commitments of the [^{F2}Union] and of Member States.

2 On the basis of the report referred to in paragraph 1, the Commission shall, as appropriate, submit a legislative proposal to the European Parliament and to the Council amending this Directive pursuant to paragraph 1, with a view to the amending Directive entering into force upon the approval by the [^{F2}Union] of the international agreement on climate change and in view of the emission reduction commitment to be implemented under that agreement.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

The proposal shall be based upon the principles of transparency, economic efficiency and cost-effectiveness, as well as fairness and solidarity in the distribution of efforts between Member States.

3 The proposal shall allow, as appropriate, operators to use, in addition to the credits provided for in this Directive, CERs, ERUs or other approved credits from third countries which have ratified the international agreement on climate change.

4 The proposal shall also include, as appropriate, any other measures needed to help reach the mandatory reductions in accordance with paragraph 1 in a transparent, balanced and equitable way and, in particular, shall include implementing measures to provide for the use of additional types of project credits by operators in the [^{F2}EU ETS] to those referred to in paragraphs 2 to 5 of Article 11a or the use by such operators of other mechanisms created under the international agreement on climate change, as appropriate.

5 The proposal shall include the appropriate transitional and suspensive measures pending the entry into force of the international agreement on climate change.]

Textual Amendments

- F1** Substituted by [Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community \(Text with EEA relevance\).](#)
- F2** Substituted by [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 \(Text with EEA relevance\).](#)