

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)

CHAPTER I

GENERAL PROVISIONS

Article 1	Subject matter
Article 2	Scope
Article 3	Definitions

CHAPTER II

AVIATION

Article 3a	Scope
Article 3b	Aviation activities
Article 3c	Total quantity of allowances for aviation
Article 3d	Method of allocation of allowances for aviation through auctioning
Article 3e	Allocation and issue of allowances to aircraft operators
Article 3f	Special reserve for certain aircraft operators
Article 3g	Monitoring and reporting plans

CHAPTER III

STATIONARY INSTALLATIONS

Article 3h	Scope
Article 4	Greenhouse gas emissions permits
Article 5	Applications for greenhouse gas emissions permits
Article 6	Conditions for and contents of the greenhouse gas emissions permit
Article 7	Changes relating to installations
Article 8	Coordination with Directive 2010/75/EU
Article 9	Union -wide quantity of allowances
Article 9a	Adjustment of the Union -wide quantity of allowances
Article 10	Auctioning of allowances
Article 10a	Transitional Union -wide rules for harmonised free allocation
Article 10b	Transitional measures to support certain energy intensive industries in the event of carbon leakage
Article 10c	Option for transitional free allocation for the modernisation of the energy sector
Article 10d	Modernisation Fund
Article 11	National implementation measures

CHAPTER IV

PROVISIONS APPLYING TO AVIATION AND STATIONARY INSTALLATIONS

Article 11a	Use of CERs and ERUs from project activities in the EU ETS before the entry into force of an international agreement on climate change
Article 11b	Project activities
Article 12	Transfer, surrender and cancellation of allowances
Article 13	Validity of allowances
Article 14	Monitoring and reporting of emissions
Article 15	Verification and accreditation
Article 15a	Disclosure of information and professional secrecy
Article 16	Penalties
Article 17	Access to information
Article 18	Competent authority
Article 18a	Administering Member State
Article 18b	Assistance from Eurocontrol
Article 19	Registries
Article 20	Central Administrator
Article 21	Reporting by Member States
Article 21a	Support of capacity-building activities
Article 22	Amendments to the Annexes
Article 22a	Committee procedure
Article 23	Exercise of the delegation
Article 24	Procedures for unilateral inclusion of additional activities and gases
Article 24a	Harmonised rules for projects that reduce emissions
Article 25	Links with other greenhouse gas emissions trading systems
Article 25a	Third country measures to reduce the climate change impact of aviation
Article 26	Amendment of Directive 96/61/EC
Article 27	Exclusion of small installations subject to equivalent measures
Article 27a	Optional exclusion of installations emitting less than 2 500 tonnes
Article 28	Adjustments applicable upon the approval by the Union of an international agreement on climate change
Article 28a	Derogations applicable in advance of the implementation of the ICAO's global market-based measure
Article 28b	Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure
Article 28c	Provisions for monitoring, reporting and verification for the purpose of the global market-based measure
Article 29	Report to ensure the better functioning of the carbon market
Article 29a	Measures in the event of excessive price fluctuations
Article 30	Review in the light of the implementation of the Paris Agreement and the development of carbon markets in other major economies

CHAPTER V

FINAL PROVISIONS

Article 31	Implementation
------------	----------------

Article 32	Entry into force
Article 33	Addressees

ANNEX I

CATEGORIES OF ACTIVITIES TO WHICH THIS DIRECTIVE APPLIES

1. Installations or parts of installations used for research, development and...
2. The thresholds values given below generally refer to production capacities...
3. When the total rated thermal input of an installation is...
4. If a unit serves an activity for which the threshold...
5. When the capacity threshold of any activity in this Annex...
6. From 1 January 2012 all flights which arrive at or...

ANNEX II

GREENHOUSE GASES REFERRED TO IN ARTICLES 3 AND 30

Carbon dioxide (CO₂)
Methane (CH₄)
Nitrous Oxide (N₂O)
Hydrofluorocarbons (HFCs)
Perfluorocarbons (PFCs)
Sulphur Hexafluoride (SF₆)

ANNEX IIa

Increases in the percentage of allowances to be auctioned by Member States
pursuant to Article 10(2)(a), for the purpose of Union solidarity and growth
in order to reduce emissions and adapt to the effects of climate change

ANNEX IIb

DISTRIBUTION OF FUNDS FROM THE MODERNISATION FUND UNTIL 31 DECEMBER 2030

Share of Modernisation Fund Bulgaria 5,84 % Czech Republic
15,59 % Estonia...

ANNEX III

CRITERIA FOR NATIONAL ALLOCATION PLANS
REFERRED TO IN ARTICLES 9, 22 AND 30

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

ANNEX IV

PRINCIPLES FOR MONITORING AND REPORTING REFERRED TO IN ARTICLE 14(1)

PART A —

Monitoring and reporting of emissions from stationary installations

Monitoring of carbon dioxide emissions

Calculation

Measurement

Monitoring of emissions of other greenhouse gases

Reporting of emissions

PART B —

Monitoring and reporting of emissions from aviation activities

Monitoring of carbon dioxide emissions

Reporting of emissions

Monitoring of tonne-kilometre data for the purpose of Articles 3e...

Reporting of tonne-kilometre data for the purpose of Articles 3e...

ANNEX V

CRITERIA FOR VERIFICATION REFERRED TO IN ARTICLE 15

PART A —

Verification of emissions from stationary installations

General Principles

1. Emissions from each activity listed in Annex I shall be...
2. The verification process shall include consideration of the report pursuant...
3. Reported emissions may only be validated if reliable and credible...
4. The verifier shall be given access to all sites and...
5. The verifier shall take into account whether the installation is...

Methodology

Strategic analysis

6. The verification shall be based on a strategic analysis of...

Process analysis

7. The verification of the information submitted shall, where appropriate,
be...

Risk analysis

8. The verifier shall submit all the sources of emissions in...
9. On the basis of this analysis the verifier shall explicitly...
10. The verifier shall take into consideration any effective risk control...

Report

11. The verifier shall prepare a report on the validation process...

Minimum competency requirements for the verifier

12. The verifier shall be independent of the operator, carry out...

PART B —

Verification of emissions from aviation activities

13. The general principles and methodology set out in this Annex...

Additional provisions for the verification of aviation emission reports

14. The verifier shall in particular ascertain that:

Additional provisions for the verification of tonne-kilometre data submitted for...

15. The general principles and methodology for verifying emissions reports under...
16. The verifier shall in particular ascertain that only flights actually...

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.

- (1) [OJ C 75 E, 26.3.2002, p. 33.](#)
- (2) [OJ C 221, 17.9.2002, p. 27.](#)
- (3) [OJ C 192, 12.8.2002, p. 59.](#)
- (4) Opinion of the European Parliament of 10 October 2002 (not yet published in the Official Journal), Council Common Position of 18 March 2003 ([OJ C 125 E, 27.5.2003, p. 72](#)), Decision of the European Parliament of 2 July 2003 (not yet published in the Official Journal) and Council Decision of 22 July 2003.
- (5) [OJ L 242, 10.9.2002, p. 1.](#)
- (6) [OJ L 33, 7.2.1994, p. 11.](#)
- (7) [OJ L 130, 15.5.2002, p. 1.](#)
- (8) [OJ L 167, 9.7.1993, p. 31.](#) Decision as amended by Decision 1999/296/EC ([OJ L 117, 5.5.1999, p. 35](#)).
- (9) [OJ L 41, 14.2.2003, p. 26.](#)
- (10) [OJ L 377, 31.12.1991, p. 48.](#)
- (11) [OJ L 257, 10.10.1996, p. 26.](#)
- (12) [OJ L 184, 17.7.1999, p. 23.](#)