



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 May 2012**

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**ENV 331**

**COVER NOTE**

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to:	General Secretariat of the Council
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Subject:	Commission Decision of XXX amending Decisions 2012/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage

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Delegations will find attached Commission document D020250/01.

Encl.: D020250/01



EUROPEAN COMMISSION

Brussels, **XXX**  
[...](2011) **XXX** draft

D020250/01

## COMMISSION DECISION

of **XXX**

**amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors  
which are deemed to be exposed to a significant risk of carbon leakage**

**(Text with EEA relevance)**

## COMMISSION DECISION

of **XXX**

**amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty of 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 scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC<sup>1</sup>, and in particular Article 10a(1) and (13) thereof,

Whereas:

- (1) Commission Decision 2010/2/EU<sup>2</sup> determines, pursuant to Directive 2003/87/EC, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage.
- (2) Commission Decision 2011/278/EU<sup>3</sup> determines transitional Union-wide rules for the harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC.
- (3) Every year a sector or subsector may be added to the list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage when it has been demonstrated, in an analytical report, that the sector or subsector satisfies the criteria set out in paragraphs 14 to 17 of Article 10a of Directive 2003/87/EC, following a change that has a substantial impact on the sector's or subsector's activities.
- (4) Some sectors not found to be exposed to a significant risk of carbon leakage at the NACE 4-level in Decision 2010/2/EU were disaggregated and a number of corresponding subsectors, for which certain specific distinguishing characteristics led to a significantly different impact from the rest of the sector, were assessed. For the subsectors 'Voiles, webs, mats, mattresses, boards and other articles of glass fibres, except woven fabrics' and 'Slag wool, rock wool and similar mineral wools and mixtures thereof, in bulk, sheets or rolls', this assessment has shown that they can be clearly distinguished from other subsectors on the basis of specific characteristics and

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<sup>1</sup> OJ L 275, 25.10.2003, p. 32.

<sup>2</sup> OJ L 1, 5.1.2010, p. 10.

<sup>3</sup> OJ L 130, 17.5.2011, p. 1.

that they satisfy the quantitative criteria set out in Article 10a(15) of Directive 2003/87/EC. Accordingly, the subsectors ‘Voiles, webs, mats, mattresses, boards and other articles of glass fibres, except woven fabrics’ and ‘Slag wool, rock wool and similar mineral wools and mixtures thereof, in bulk, sheets or rolls’ should be added to the list of sectors and subsectors deemed to be exposed to a significant risk of carbon leakage.

- (5) NACE 4-level code 26.14 ‘Manufacture of glass fibres’ consists of two 6-digit Prodcom codes: ‘26.14.11 Slivers, rovings, yarn and chopped strands, of glass fibre’ and ‘26.14.12 Voiles, webs, mats, mattresses, boards and other articles of glass fibres, except woven fabrics’. The subsector covered by 6-digit Prodcom code 26.14.11 was deemed to be exposed to a significant risk of carbon leakage in Decision 2010/2/EU. By adding also Prodcom code 26.14.12 to the list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, the entire sector at NACE 4-level 26.14 will be covered. Therefore, for reasons of clarity and to avoid duplication, NACE 4-level code 26.14 has been added to Section 1.2 of the list, while Prodcom code 26.14.11 is deleted from Section 2.
- (6) Decisions 2010/2/EU and 2011/278/EU should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS DECISION:

#### *Article 1*

##### **Amendments to Decision 2010/2/EU**

The Annex to Decision 2010/2/EU is amended in accordance with Annex I to this Decision.

#### *Article 2*

##### **Amendments to Decision 2011/278/EU**

Annex I to Decision 2011/278/EU is amended in accordance with Annex II to this Decision.

#### *Article 3*

##### **Addressees**

This Decision is addressed to the Member States.

Done at Brussels,

*For the Commission  
Member of the Commission*

## **Annex I**

The Annex to Decision 2010/2/EU is amended as follows:

1. In Section 1.2, the following entry is inserted after entry 2613:

NACE Code	Description
'2614	Manufacture of glass fibres'

2. Section 2 is amended as follows:

- (a) The following entry is deleted:

Prodcom Code	Description
'261411	Slivers, rovings, yarn and chopped strands, of glass fibre'

- (b) The following entry is inserted after entry 26821400:

Prodcom Code	Description
'26821610	Slag wool, rock wool and similar mineral wools and mixtures thereof, in bulk, sheets or rolls'

## Annex II

In Annex I to Decision 2011/278/EU, the entry corresponding to product benchmark ‘Mineral wool’ is replaced by the following:

Product benchmark	Definition of products covered	Definition of processes and emissions covered (system boundaries)	Carbon leakage exposure as determined by Decision 2010/2/EU for the years 2013 and 2014	Benchmark value (allowances/t)
‘Mineral wool	Mineral wool insulation products for thermal, acoustic and fire applications manufactured using glass, rock or slag.	All processes directly or indirectly linked to the production steps melting, fiberizing and injection of binders, curing and drying and forming are included. For the determination of indirect emissions, the total electricity consumption within the system boundaries shall be considered.	yes	0.682’