



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 525/2013 as regards the technical implementation of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (**first reading**)

- Adoption of the legislative act (**LA + S**)
- = Statements

Statement by the Commission

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Statement by Poland, Hungary and Romania

“Throughout the negotiations between the European Parliament and the Council, Member States had been consistently pointing out that the proposed recital 11 does not belong to the scope of the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 525/2013 as regards the technical implementation of the Kyoto Protocol to the United Nations Framework Convention on Climate Change. The text referring to the cancellation of units as a means to increase mitigation ambition pursuant to Decision 1/CMP.8 is dissociated from the objectives of this Regulation and any such consideration may only be determined in the Joint Fulfilment Agreement.

In this context Poland, Hungary and Romania can only understand the text of recital 11 as a reference to the right of any individual Member State to consider cancellation of its AAUs, CERs and ERUs in order to increase its individual level of mitigation ambition.”