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From:	European Commission
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Subject:	Commission Decision of XXX amending Decision 2010/670/EU as regards the extension of certain time-limits laid down in Article 9 and Article 11(1) of that Decision
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Delegations will find attached document D035973/01.

Encl.: D035973/01



Brussels, **XXX**
D035973/01
[...] (2014) **XXX** draft

COMMISSION DECISION

of **XXX**

amending Decision **2010/670/EU** as regards the extension of certain time-limits laid down in Article 9 and Article 11(1) of that Decision

COMMISSION DECISION

of **XXX**

amending Decision 2010/670/EU as regards the extension of certain time-limits laid down in Article 9 and Article 11(1) of that Decision

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 scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC¹, and in particular the third subparagraph of Article 10a(8) thereof,

Whereas:

- (1) Commission Decision 2010/670/EU² sets out the rules and criteria for the selection and implementation of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ (hereinafter 'CCS demonstration projects') and demonstration projects of innovative renewable energy technologies (hereinafter 'RES demonstration projects'), covering 300 million allowances from the new entrants reserve of the Union emissions trading scheme and the basic rules for the monetisation of allowances and for the management of revenues.
- (2) Due to the economic crisis, it will not be possible to reach, as regards a significant number of projects awarded under Decision 2010/670/EU a final investment decision within 24 months of the adoption of the award decision for RES demonstration projects or within 36 months of the adoption of the award decision for CCS demonstration projects. It will therefore also not be possible for such projects to enter into operation within four years of the adoption of the award decision. The time-limits for the final investment decision and the date of entry into operation should therefore be extended by two years. A period of grace of one year should also be applied with respect to the date of entry into operation.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Climate Change Committee,

¹ OJ L 275, 25.10.2003, p. 32.

² Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/670/EU is amended as follows:

(1) Article 9 is amended as follows:

- (a) in the first paragraph, "24 months" is replaced by "48 months";
- (b) in the second paragraph, "36 months" is replaced by "60 months";

(2) Article 11(1) is amended as follows:

(a) in the second subparagraph "31 December 2015" is replaced by "31 December 2017" and "4 years" is replaced by "6 years";

(b) the following third and fourth subparagraphs are added:

"Where the project has not entered into operation by the date of entry into operation set for that project that date is automatically extended by one year.

Award decisions shall cease to have legal effect where the project has not entered into operation by the date of entry into operation applicable pursuant to the third subparagraph. In this case, any funding disbursed or received for the purpose of disbursement shall be returned."

Article 2

This Decision shall also apply to CCS and RES demonstration projects for which an award decision has been adopted before this Decision takes effect.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission