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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement - Preparation for the trilogue

I. INTRODUCTION

1. On 14 July 2021, the Commission submitted to the European Parliament and the Council a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement (ESR)¹ as part of the “Fit for 55” package.

¹ 10867/21 + ADD 1.

2. The main aim of the Commission proposal is to increase the contribution of the ESR to the EU's overall climate ambition for 2030 by setting a new EU-level target for greenhouse gas emission reductions in the sectors covered by the ESR of 40% (from the current 29%), compared to 2005, and to update the Member States' national targets accordingly.
3. The European Parliament appointed Ms Jessica Polfjård (EPP, SE) as Rapporteur for the Committee on the Environment, Public Health and Food Safety (ENVI). The Parliament adopted its position on the proposal on 8 June 2022.
4. The European Economic and Social Committee delivered its opinion on 8 December 2021. The Committee of the Regions delivered its opinion at its session on 27-29 April 2022.

II. WORK IN THE COUNCIL AND IN THE PARLIAMENT

5. On 28 June 2022, the Council (Environment) agreed on a general approach to the proposal as a basis for future negotiations with the European Parliament in the context of the ordinary legislative procedure².
6. Two trilogues have been held so far, on 1 September and 11 October 2022. Six technical meetings have taken place at tripartite level, during which provisional agreement has been reached on several issues of a more technical nature or on which the positions of the co-legislators had a certain degree of convergence. The Presidency has kept delegations updated on progress made at technical level, most recently at the Working Party on the Environment on 18 October 2022.

² 10790/22.

7. In view of the third trilogue, which is scheduled for 8 November 2022, the Presidency has prepared an updated four-column table, which can be found in the Annex to this note. Its fourth column contains the texts on which provisional agreement has been reached at the interinstitutional technical meetings. Provisions on which neither the Council nor the Parliament propose changes to the Commission proposal, or on which their positions are identical also appear in the fourth column and are marked green. A fifth column is used to set out the Presidency's suggestions for the Council position and/or possible ways forward on other issues, as well as any additional comments.
8. The following section summarises the state of play, with references to the corresponding Articles and rows of the table.

III. PRESIDENCY SUGGESTIONS IN VIEW OF THE TRILOGUE

Issues preliminarily agreed at technical level

On some issues, the institutions' positions converge and therefore required no discussion. These include in particular: the EU 2030 greenhouse gas emission reduction target of 40% in the ESR sectors (Article 1, rows 33-33b); Member States' national targets (Article 4(1), row 37b and Annex I); the scope of the ESR (Article 2(1), rows 35-36); and the LULUCF flexibility (Article 7, rows 46-47c).

On the following clusters of issues, based on the mandate given at the second trilogue, compromise texts were provisionally agreed following work at technical level. It is understood that any such provisional agreement is subject to validation at political level in the context of a balanced overall compromise.

- A. Reference to the European Climate Law, post-2030 framework and the review:
Article 1, row 33b; Article 15, rows 75h-75j; Article 15a (EP), rows 75l-75q
 - Article 1: Reference to negative emissions in line with agreed language in the European Climate Law.

- Article 15: The Parliament agreed to drop its amendment on a new article 15a on the establishment of greenhouse gas emission reduction pathways to climate-neutrality at Union and Member State level. The pathway is instead mentioned in the context of the review under Article 15, without reference to climate neutrality at Member State level. Some other elements from the EP amendment which are important for the Parliament were integrated in the review clause but without prejudging future decisions on the post-2030 regulatory framework.
- B. Transparency of transfers / use of transfer revenues: Article 5(4), rows 45n, 45p, 45r; row (5a); changes to the Governance Regulation: Article 2, rows 83f and 83i) / Article 5(6), row 45r
- In substance, the provisionally agreed compromise on the transparency of transfers aligns with the Council's general approach, which was itself based on existing obligations under the Governance Regulation.
 - The wording of Article 5(6) is strengthened concerning the Member States' use of revenues from transfers of annual emission allocations but with less prescriptive language than that asked by the Parliament. The information provided to the Commission on actions taken will also need to be made public.
- C. Conditions of use of the ETS flexibility: Article 6(3)-(5), rows 46a-47c; recital 15, row 25.
- The intentions of the co-legislators were very similar, and a compromise was found based on the language of the Council's general approach, with an additional adjustment to clarify that the extension of the deadline for notification would apply also in the case that the use of the flexibility had not been notified up to the full amount. The possibility to revise the notification both upwards and downwards is maintained as in the Council's general approach.

- D. Corrective action: Article 8 (rows 57b-57n)
- The provisionally agreed compromise strengthens somewhat the current text of the ESR as regards the information requirements of the corrective action plan. The Presidency considers that the solution found on this issue remains feasible and workable and represents a good compromise compared to many initial EP's requests.
 - Instead of the proposal of the Parliament to link the corrective action plans to the revision of Member States' NECPs, the additional actions of the corrective action plans should complement the NECPs or reinforce their implementation. Member States that have a national climate advisory body may seek its advice regarding the additional actions.
 - Contrary to the Parliament's request, the opinions of the Commission on the corrective action plans will not be binding on Member States, but Member States nevertheless have to provide justification in case the opinions are not addressed. The transparency of the process is reinforced throughout.
- E. Scientific advice: Article 16a, rows 75w-75y; recital 16c
- Provisional agreement was reached on the insertion of a new Article and an accompanying recital on the role of the European Scientific Advisory Board on Climate Change in the context of the ESR. The text is in line with the mandate of the Advisory Board as agreed in the European Climate Law.
- F. Just and fair transition: Article 4(5a), rows 45b-45c; recital 3a
- According to the proposed compromise, which partially takes on board the EP amendment, Member States have to consider the need to ensure a just and fair transition in their actions to achieve the ESR targets. The Commission may issue guidance to support them.

Main difficult issues

As regards the main political issues listed below, the Presidency proposes to maintain the Council's position, i.e., to reject the Parliament's amendments which aim to further increase the stringency of the 2030 target trajectory while at the same time significantly reducing the level of all flexibilities and deleting the additional reserve altogether.

- 2030 target trajectory: Article 4, paragraphs 1-4, rows 37-45
- Flexibilities (banking, borrowing and transfers): Article 5, rows 45i-45n
- Additional reserve: Article 11a, rows 60-75.

It is nevertheless clear that an overall compromise on the file with the Parliament will have to encompass a balanced agreement on the above-mentioned three key interlinked issues. While the Presidency acknowledges that the Council will need to show some flexibility towards the Parliament on some of these elements, any compromise must ensure that the achievement of the targets remains feasible. In the Council's position, the update in 2025 is important in order to base the trajectory on the most recent data and to allow for possible adjustments to it, especially in case of unexpected events with an effect on emissions. To provide predictability for Member States, the Council's general approach only provides for an update of the trajectory if it would lead to higher annual emission allocations. For its part, the Parliament has deleted the update, arguing that it would create uncertainty and disincentivise early action. It has also defined another decisive parameter of the trajectory design, i.e., the starting moment, in such a way that the resulting trajectory would be significantly tighter than that initially proposed by the Commission. This would result in concerns about the feasibility for the Member States of reaching their more ambitious targets, and risk leading to insufficient possibilities for transfers of annual emission allocations between Member States.

The question of whether or not the trajectory should be updated in 2025 is crucial in the discussion on the other elements of a possible compromise on the key issues. If the trajectory for 2026-2030 period is fixed without an update, as the Parliament suggests, it could be expected that there would be more pressure to further enhance the ESR flexibilities in Article 5 (banking, borrowing, transfers) in order to ensure feasibility of achieving the 2030 targets. To try to bridge the gap between the positions of the institutions on the package of issues above, the Presidency proposes to maintain the Council's position on the trajectory with the update but to show some openness towards the Parliament when it comes to some of the flexibilities. Therefore, the Presidency invites the delegations to indicate if they could consider showing any openness towards the Parliament, especially on the limits on borrowing in the 2021-2025 period and/or on the limits on transfers, provided that the Parliament takes a constructive approach above all on the question of the stringency of the trajectory for 2026-2030 and other flexibilities, and in the context of an overall balanced compromise.

The Presidency proposes to maintain the Council's general approach on banking, firmly rejecting the Parliament's amendments 1) to restrict banking in respect of the year 2021 to 5%, 2) to lower excessively the banking limits in subsequent years, and 3) to establish a "firewall" between banking from the first five-year period to the second. The Presidency also suggests rejecting the Parliament's amendments on the deletion of the additional reserve as the Parliament's current position on the stringency of the trajectory as well as on the flexibilities increases the probability of the Member States' need for such a safety mechanism.

- Compliance check (deduction of AEAs in case of excess emissions under LULUCF):
Article 9(2), row 59

The Presidency at this stage suggests rejecting the Parliament's amendments on the reintroduction of Article 9(2) in respect of 2026-2030 non-compliance with obligations under the LULUCF Regulation. The Parliament maintains its insistence that this provision must be included in the ESR proposal in case no internal governance mechanism is agreed during the trilogue negotiations on the LULUCF proposal. The Presidency acknowledges the fact that there is a need to coordinate closely with the ongoing LULUCF negotiations in order to find a workable solution. The Presidency invites the delegations to indicate their views or preferences on this issue.

Other outstanding issues

The Presidency has made it clear to the Parliament that Council cannot accept the EP amendments on issues, which are already covered by other existing instruments or outside the scope of the ESR. Given that the Parliament continues to insist on their political importance, the Presidency suggests that the Council could consider openness on the following issues, provided that the Parliament is willing to show equal flexibility towards the Council on other issues within an overall balanced compromise:

Biofuels and bioliquids: Article 2, rows 34a, 36a, 36b (EP)

- A possible recital could be proposed referencing policy coherence and implementation of the Renewable Energy Directive.

Non-CO2 emissions: Articles 4a, rows 45d-45h; recitals 11a, row 21a (EP)

- A possible recital could be proposed referring to existing tools and instruments as well as steps planned by the Commission in this area, without prejudging any future decisions.

Access to Justice: Article 15b, rows 75q-75v; recital 16b, row 26b (EP)

- The Presidency has already explained to the Parliament the reasons why it does not consider that it would be appropriate to include the proposed article in the ESR and suggests that the Council should maintain its opposition to the EP amendment. The Commission has suggested that the issue could be looked at in the context of the review of the Governance Regulation.

Remaining recitals

- In addition to the recitals that have been provisionally agreed at technical level (rows 13a, 25, 26c), the Presidency has made some suggestions on possible ways forward (rows 11a, 15, 21a, 24a, 26a) or concrete compromise proposals (rows 13, 14, 28a) in the fifth column of the attached table. The remaining recitals will be adjusted accordingly in the light of the outcome of the discussions on the corresponding parts of the operative part.

9. Against this background, delegations are invited to approve the approach suggested by the Presidency and indicate their priorities and/or red lines as well as further flexibilities where possible.

IV. CONCLUSIONS

10. The Permanent Representatives Committee is invited to examine the Presidency proposals for a Council position as set out in the fourth column of the attached text and to give the Presidency a mandate to continue negotiations with the European Parliament based on that text at the next trilogue scheduled on 8 November 2022.

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Formula					
1	2021/0200 (COD)	2021/0200 (COD)	2021/0200 (COD)	2021/0200 (COD)	
Proposal Title					
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021		EP amendment not acceptable (In light of the provisional compromise on Article 15)

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	to 2030 contributing to climate action to meet commitments under the Paris Agreement (Text with EEA relevance)	to 2030 <i>and beyond</i> contributing to climate action to meet commitments under the Paris Agreement (Text with EEA relevance)	to 2030 contributing to climate action to meet commitments under the Paris Agreement, and Regulation (EU) 2018/1999 (Text with EEA relevance)		
Formula					
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1					
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	
Citation 2					
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Citation 3					
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4					
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	
Citation 5					
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	
Citation 6					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula					
10	Whereas:	Whereas:	Whereas:	Whereas:	
Recital 1					
11	(1) The Paris Agreement, adopted in December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC), entered into force in November 2016 ("the Paris Agreement"). Its Parties have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels.	(1) The Paris Agreement, adopted in December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC), entered into force in November 2016 ("the Paris Agreement"). Its Parties have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels, <u>while being guided by, inter alia, the</u>	(1) The Paris Agreement, adopted in 12 December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC), entered into force in 4 November 2016 ("the Paris Agreement"). Its Parties have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels.		EP amendment not acceptable as references to 'common but differentiated responsibilities' and 'respective capabilities' are more relevant/appropriate in an international context.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>principles of equity and of common but differentiated responsibilities and respective capabilities. By adopting the Glasgow Climate Pact in November 2021, the Parties to the Paris Agreement recognised that keeping the increase in the global average temperature to 1,5 °C would significantly reduce the risks and impacts of climate change, and committed to strengthen their 2030 targets by the end of 2022.</i></u>			
Recital 1a					
11a		<u><i>(1a) The need for action to reduce emissions is becoming increasingly urgent, as stated by the Intergovernmental Panel on Climate Change (IPCC) in its latest reports of 7 August 2021 entitled 'Climate change 2021: The</i></u>			EP amendment acceptable in principle, but further work is needed to streamline the text

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u><i>Physical Science Basis' and of 28 February 2022 entitled 'Climate Change 2022: Impacts, Adaptation and Vulnerability'. The IPCC stated, with a very high level of confidence, that climate change is a threat to human well-being and planetary health and that any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all. The IPCC provides new estimates of the chances of crossing the global warming level of 1,5 °C in the coming decades, and finds that unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting global warming to close to 1,5 °C or even 2 °C will be beyond reach.</i></u></p>			

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<i><u>The Union should therefore address that urgency by stepping up its efforts and establishing itself as an international leader in the fight against climate change.</u></i>			
Recital 2					
12	(2) The Union has put in place a regulatory framework to achieve the 2030 greenhouse gas emission reduction target of at least 40% as endorsed by the European Council in 2014, before the entry into force of the Paris Agreement. The legislation implementing that target consists, inter alia, of Directive 2003/87/EC of the European Parliament and of the Council ¹ (which establishes a system for greenhouse gas emission allowance trading within the Union), Regulation	(2) The Union has put in place a regulatory framework to achieve the 2030 greenhouse gas emission reduction target of at least 40% as endorsed by the European Council in 2014, before the entry into force of the Paris Agreement. The legislation implementing that target consists, inter alia, of Directive 2003/87/EC of the European Parliament and of the Council ¹ (which establishes a system for greenhouse gas emission allowance trading within the Union), Regulation	(2) The Union has put in place a regulatory framework to achieve to achieve achieving the 2030 greenhouse gas emission reduction target of at least 40% as endorsed by the European Council in 2014, before the entry into force of the Paris Agreement. The legislation implementing that target That framework consists, inter alia, of Directive 2003/87/EC of the European Parliament and of the Council ¹ (which establishes) establishing a system for greenhouse gas		Maintain Council text with legal/linguistic suggestions

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>(EU) 2018/841 of the European Parliament and of the Council² (which requires Member States to balance greenhouse gas emissions and removals from land use, land use change and forestry), and Regulation (EU) 2018/842 of the European Parliament and of the Council³, which establishes national targets for reduction of greenhouse gas emissions by 2030, in the sectors neither covered by Directive 2003/87/EC, nor by Regulation 2018/841.</p> <p>1. 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 (OJ</p>	<p>(EU) 2018/841 of the European Parliament and of the Council² (which requires Member States to balance greenhouse gas emissions and removals from land use, land use change and forestry), and Regulation (EU) 2018/842 of the European Parliament and of the Council³, which establishes national targets for reduction of greenhouse gas emissions by 2030, in the sectors neither covered by Directive 2003/87/EC, nor by Regulation 2018/841.</p> <p>1. 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 (OJ</p>	<p>emission allowance trading within the Union (‘EU ETS’), Regulation (EU) 2018/841 of the European Parliament and of the Council² (which requires requiring Member States to balance greenhouse gas emissions and removals from land use, land use change and forestry (‘LULUCF’), and Regulation (EU) 2018/842 of the European Parliament and of the Council³, which establishes establishing national targets for reduction of greenhouse gas emissions by 2030, in the sectors covered neither covered by Directive 2003/87/EC, nor by Regulation 2018/841 Regulation (EU) 2018/841 (‘ESR’).</p> <p>1. Directive 2003/87/EC of the European Parliament and of the Council of 13 October</p>		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>L 275 of 25.10.2003, p. 32).</p> <p>2. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).</p> <p>3. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet</p>	<p>L 275 of 25.10.2003, p. 32).</p> <p>2. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).</p> <p>3. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet</p>	<p>2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275 of 25.10.2003, p. 32).</p> <p>2. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).</p> <p>3. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May</p>		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).	commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).	2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).		
Recital 3					
13	(3) The European Green Deal ¹ combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050, and sets out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, where economic	(3) The European Green Deal ¹ <u>provides a starting point for the achievement of the Union's climate-neutrality objective by 2050 at the latest and the aim to achieve negative emissions thereafter laid down in Article 2(1) of Regulation (EU) 2021/1119 of the European Parliament and of the Council^{1a}. It</u> combines a comprehensive	(3) The Commission's Communication of 11 December 2019 entitled 'The European Green Deal' ⁴ combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050, and sets out a new growth strategy that aims to transform the Union into a fair and prosperous society,		<u>(3) The Commission's Communication of 11 December 2019 entitled 'The European Green Deal' provides a starting point for the achievement of the Union's climate-neutrality objective at the latest by 2050 and the aim to achieve negative emissions thereafter laid down in Article 2(1) of Regulation (EU) 2021/1119 of the</u>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>growth is decoupled from resource use. It also aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. At the same time, this transition affects women and men differently and has a particular impact on some disadvantaged groups, such as older people, persons with disabilities and persons with a minority racial or ethnic background. It must therefore be ensured that the transition is just and inclusive, leaving no one behind.</p> <p>1. Commission Communication - The European Green Deal, COM(2019) 640 final of 11 December 2019.</p>	<p>set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050 <u>at the latest</u>, and sets out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy; where economic growth is decoupled from resource use. It also aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. At the same time, this transition affects women and men <u>all genders</u> differently and has a particular impact on some disadvantaged groups, such as older people, persons with disabilities, <u>persons suffering from energy or transport poverty</u>, and persons with a minority</p>	<p>with a modern, resource-efficient and competitive economy, where economic growth is decoupled from resource use. It also aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. At the same time, this <u>that</u> transition affects women and men differently and has a particular impact on some disadvantaged groups, such as older people, persons with disabilities and persons with a minority racial or ethnic background. It must therefore be ensured that the transition is just and inclusive, leaving no one behind.</p> <p>1. Commission Communication - The European Green Deal, COM(2019) 640 final of 11 December 2019.</p>		<p><u><i>European Parliament and of the Council</i>^{1a}. It combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050, and sets out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, where economic growth is decoupled from resource use. It also aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. At the same time, that transition has gender equality aspects as well as particular impacts on some disadvantaged and vulnerable groups, such as older people, persons with disabilities</u></p>

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		<p>racial or ethnic background. <u><i>The transition also affects Member States and regions differently.</i></u> It must therefore be ensured that the transition is just and inclusive, leaving no one behind.</p> <p>1. Commission Communication - The European Green Deal, COM(2019) 640 final of 11 December 2019.</p> <p><u><i>1a. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</i></u></p>			<p><u><i>and persons with a minority racial or ethnic background. It must therefore be ensured that the transition is just and inclusive, leaving no one behind.</i></u></p> <p>EP amendment partially acceptable as addition to Council text. See compromise suggestion above. For just and fair transition aspects, see also recital 3a (covering recitals 3-3c).</p>
Recital 3a					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
13a		<p><u><i>(3a) To be socially acceptable the climate ambition set out in this Regulation should be matched by an equivalent social ambition. The increased level of ambition implies substantial changes in the affected sectors which might have social and labour impacts. The revised emission reduction targets need to be accompanied by sufficient financial and policy measures to guarantee that those targets can be met in a socially fair way. The measures can include, inter alia, carrying out employment impact assessments which evaluate the impact on jobs and working conditions both at national and regional levels as well as allocating national and Union resources to fund</i></u></p>		<p><u><i>(3a) On 16 June 2022, the Council adopted a Recommendation on ensuring a fair transition towards climate neutrality*, where it highlighted the need for accompanying measures and for paying particular attention to supporting those regions, industries, workers, households and consumers that will face the greatest challenges. That recommendation encourages Member States to consider a set of measures in the areas of employment and labour market transitions, job creation and entrepreneurship, health and safety at work, public procurement, education and training, taxation and social protection systems, as well as essential services and housing.</i></u></p>	<p>Text provisionally agreed at technical level. Agreement of the Council is at the moment conditional to further clarification on technical level as the position of the Council is it should replace all three recitals (3a, 3b, 3c).</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<i><u>social adaptation measures and quality job-creation, gender equality, life-long learning, vocational training and social protection and to ensure effective collective bargaining. It is also important that there is timely consultation and effective involvement of national social partners in the sectors covered by Article 2 of this Regulation with regard to the development and implementation of national measures implementing this Regulation.</u></i>		* <i><u>Council Recommendation of 16 June 2022 on ensuring a fair transition towards climate neutrality (OJ C 243, 27.6.2022, p. 35).</u></i> Provisionally agreed in interinstitutional technical meetings. Linked to Article 4(5a) (row 45c)	
Recital 3b					
13b		<i><u>(3b) The transition to a Union economy compatible with target of climate neutrality by 2050 at the latest could furthermore have a particular impact on</u></i>			EP amendment not acceptable. Covered already by suggested recitals 3 and 3a (see rows 13 and 13a).

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<i><u>certain economic sectors, especially vulnerable micro, small and medium enterprises in those sectors. When implementing this Regulation, it is important that Member States create an enabling environment for those enterprises to transition to practices that entail fewer and gradually no greenhouse gas emissions.</u></i>			
Recital 3c					
13c		<i><u>(3c) The United Nations Environment Programme and the OECD Global Forum on Environment have concluded that environmental changes have gender-specific impact. Gender-differentiated roles also result in differentiated vulnerabilities for all genders in relation to the</u></i>			EP amendment not acceptable. Covered already by suggested recitals 3 and 3a (see rows 13 and 13a).

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>effects of climate change, and climate change impacts exacerbate gender inequalities.</i></u>			
Recital 4					
14	<p>(4) In Regulation (EU) 2021/1119 of the European Parliament and of the Council¹ (‘European Climate Law’), the Union has enshrined into legislation the target of economy-wide climate neutrality by 2050. That Regulation also establishes a binding Union domestic reduction commitment of net greenhouse gas emissions (emissions after deduction of removals) of at least 55% below 1990 levels by 2030.</p> <p>1. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June</p>	<p>(4) In Regulation (EU) 2021/1119 of the European Parliament and of the Council¹ (‘European Climate Law’), the Union has enshrined into legislation the target of economy-wide climate neutrality by 2050 <u><i>at the latest and the aim to achieve negative emissions thereafter.</i></u> That Regulation also establishes a binding Union domestic reduction commitment of net greenhouse gas emissions (emissions after deduction of removals) of at least 55% below 1990 levels by 2030. <u><i>Furthermore, it establishes that when implementing the target,</i></u></p>	<p>(4) In Regulation (EU) 2021/1119 of the European Parliament and of the Council¹ (‘European Climate Law’), the Union has enshrined into legislation the target a binding objective of economy-wide climate neutrality by 2050. That Regulation also establishes a binding Union domestic reduction commitment target of net greenhouse gas emissions (emissions after deduction of removals) of at least 55% below 1990 levels by 2030.</p> <p>1. Regulation (EU) 2021/1119 of the</p>		<p><u><i>(4) In Regulation (EU) 2021/1119 of the European Parliament and of the Council¹ (‘European Climate Law’), the Union has enshrined in legislation a binding objective of economy-wide climate neutrality by 2050, thus reducing emissions to net zero by that date, and aiming to achieve negative emissions thereafter. That Regulation also establishes a binding Union domestic reduction target of net greenhouse gas emissions (emissions after deduction of removals) of at least 55% below 1990 levels by 2030. Furthermore, it establishes that the</i></u></p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</p>	<p><u><i>swift and predictable emission reductions are to be given priority and, at the same time, removals by natural sinks are to be enhanced. The contribution of net removals to the 2030 target is limited to 225 million tonnes of CO2 equivalent, while the rest of the target has to be achieved through direct emissions reductions.</i></u></p> <p>1. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</p>	<p>European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</p>		<p><u><i>contribution of net removals to the Union 2030 climate target is limited to 225 million tonnes of CO2 equivalent.</i></u></p> <p><u><i>1. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</i></u></p> <p>EP amendment partly acceptable as addition to Council text based on the wording from the ECL, article 1, 2 and 4.</p> <p>See Council compromise suggestion above.</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Recital 5					
15	<p>(5) In order to implement those commitments as well as the Union's contributions under the Paris Agreement¹ adopted under the UNFCCC, the Union regulatory framework to achieve the greenhouse gas emission reduction target should be adapted.</p> <p>1. Paris Agreement (OJ L 282, 19.10.2016, p. 4).</p>	<p>(5) In order to implement those commitments as well as the <u>nationally determined</u> Union's contributions under the Paris Agreement¹ adopted under the UNFCCC, the Union regulatory framework to achieve the greenhouse gas emission reduction target should be adapted.</p> <p>1. Paris Agreement (OJ L 282, 19.10.2016, p. 4).</p>	<p>(5) In order to implement those commitments as well as the Union's contributions under the Paris Agreement¹ adopted under the UNFCCC, the Union regulatory framework to achieve for achieving the 2030 greenhouse gas emission reduction target should be adapted.</p> <p>1. Paris Agreement (OJ L 282, 19.10.2016, p. 4).</p>		<p>Maintain Council text. Relevance of addition proposed in EP amendment to be assessed.</p>
Recital 6					
16	<p>(6) Regulation (EU) 2018/842 lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's current target of reducing its greenhouse gas</p>	<p>(6) Regulation (EU) 2018/842 lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's current target of reducing its greenhouse gas</p>	<p>(6) Regulation (EU) 2018/842 lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's current target of reducing its greenhouse gas</p>	<p>(6) Regulation (EU) 2018/842 lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's current target of reducing its greenhouse gas</p>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	emissions by 30 % below 2005 levels in 2030 in the sectors covered by Article 2 of that Regulation. It also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.	emissions by 30 % below 2005 levels in 2030 in the sectors covered by Article 2 of that Regulation. It also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.	emissions by 30 % below 2005 levels in 2030 in the sectors covered by Article 2 of that Regulation. It also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.	emissions by 30 % below 2005 levels in 2030 in the sectors covered by Article 2 of that Regulation. It also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.	
Recital 7					
17	(7) While emissions trading will also apply to greenhouse gas emissions from road and maritime transport as well as buildings, the scope of Regulation (EU) 2018/842 will be maintained. Regulation (EU) 2018/842 will therefore continue applying to the greenhouse gas emissions from domestic navigation, but not to those from international navigation.	(7) While emissions trading will also apply to greenhouse gas emissions from road and maritime transport as well as buildings, the scope of Regulation (EU) 2018/842 will be maintained. Regulation (EU) 2018/842 will therefore continue applying to the greenhouse gas emissions from domestic navigation, but not to those from international navigation.	(7) While emissions trading will also apply to greenhouse gas emissions from road and maritime transport as well as from buildings, the scope of Regulation (EU) 2018/842 will should be maintained. Regulation (EU) 2018/842 will should therefore continue applying to apply to the greenhouse gas emissions from domestic navigation, but not to those from international		Maintain Council text with legal/linguistic suggestions. EP amendment not acceptable (out of place).

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>Greenhouse gas emissions of a Member State within the scope of Regulation (EU) 2018/842 to be taken into account for compliance checks will continue to be determined upon completion of inventory reviews in accordance with Regulation (EU) 2018/1999 of the European Parliament and the Council¹.</p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC,</p>	<p>Greenhouse gas emissions of a Member State within the scope of Regulation (EU) 2018/842 to be taken into account for compliance checks will continue to be determined upon completion of inventory reviews in accordance with Regulation (EU) 2018/1999 of the European Parliament and the Council¹. <u>However, the emissions of some sectors in past years have either increased or remained stable</u></p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and</p>	<p>navigation. Greenhouse gas emissions of a Member State within the scope of Regulation (EU) 2018/842 to be taken into account for compliance checks will continue to be determined upon completion of inventory reviews in accordance with Regulation (EU) 2018/1999 of the European Parliament and the Council¹.</p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC,</p>		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).		
Recital 8					
18	(8) In its Communication of 17 September 2020 ¹ the Commission indicated that the increased 2030 overall target can only be achieved with the contribution of all sectors. 1. COM/2020/562 final.	(8) In its Communication of 17 September 2020 ¹ the Commission indicated that the increased 2030 overall target can only be achieved with the contribution of all sectors. 1. COM/2020/562 final.	(8) In its Communication of 17 September 2020 ¹ entitled ' Stepping up Europe's 2030 climate ambition - Investing in a climate-neutral future for the benefit of our people ', the Commission indicated that the increased 2030 overall greenhouse gas		Maintain Council text with legal/linguistic suggestions

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			<p>emission reduction target can only be achieved with the contribution of all sectors.</p> <p>1. COM/2020/562 final.</p>		
Recital 9					
19	<p>(9) In its conclusions of 11 December 2020 the European Council mentioned that the 2030 target will be delivered collectively by the Union in the most cost-effective manner possible, that all Member States will participate in this effort, taking into account considerations of fairness and solidarity, while leaving no one behind, and that the new 2030 target needs to be achieved in a way that preserves the Union’s competitiveness and takes account of Member States’ different</p>	<p>(9) In its conclusions of 11 December 2020 the European Council mentioned that the 2030 target will be delivered collectively by the Union in the most cost-effective manner possible, that all Member States will participate in this effort, taking into account considerations of fairness and solidarity, while leaving no one behind, and that the new 2030 target needs to be achieved in a way that preserves the Union’s competitiveness and takes account of Member States’ different</p>	<p>(9) In its conclusions of 11 December 2020 the European Council mentioned that the 2030 target will be delivered collectively by the Union in the most cost-effective manner possible, that all Member States will participate in thisthat effort, taking into account considerations of fairness and solidarity, while leaving no one behind, and that the new 2030 target needs to be achieved in a way that preserves the Union’s competitiveness and takes account of Member States’ different</p>		<p>Maintain Council text with legal/linguistic modification. EP amendment not acceptable.</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	starting points and specific national circumstances and emission reduction potential, including those of island Member States and islands, as well as efforts made.	starting points, <u>emission reductions already achieved</u> , and specific national circumstances and emission reduction potential, including those of island Member States and islands, as well as efforts made.	starting points and specific national circumstances and emission reduction potential, including those of island Member States and islands, as well as efforts made.		
Recital 9a					
19a		<u>(9a) Beyond 2030, it is necessary that the Union and each Member State reach the Union-wide climate-neutrality objective by 2050 at the latest with the aim to achieve negative emissions thereafter. Regulation (EU) 2018/842 should ensure that all Member States are brought on emissions trajectories, and adopt concrete long-term policies, that lead to the accomplishment of that objective.</u>			EP amendment not acceptable. (Union's climate neutrality objective covered by other recitals. Reference to climate neutrality at Member State level not acceptable.)

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Recital 10					
20	(10) In order to achieve the target of reducing greenhouse gas emissions by 55%, the sectors covered by Regulation (EU) 2018/842 will need to reduce their emissions progressively until they reach -40% in 2030, compared to 2005 levels.	(10) In order to <u>implement the Union's commitments under the Paris Agreement</u> and achieve the target of reducing greenhouse gas emissions by <u>at least 55%</u> , all 55%, the sectors covered by Regulation (EU) 2018/842 will need to reduce their emissions progressively until they reach -40% in 2030, compared to 2005 levels.	(10) In order to achieve the target of reducing greenhouse gas emissions by 55%, the sectors covered by Regulation (EU) 2018/842 will need to reduce their greenhouse gas emissions progressively until they reach -40% in 2030, compared to 2005 levels. Regulation (EU) 2018/842 also contributes to achieving the objectives of the Paris Agreement, as well as the Union's objective of climate neutrality at the latest by 2050 under the European Climate Law, the achievement of which requires convergence of all Member States' efforts over time, while taking into account specific national circumstances.		Maintain Council text. EP amendment not acceptable. (In the context of the Paris Agreement alternatives to "implementing", such as contributing to fulfilling the commitments under that agreement, would be more appropriate).

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Recital 11					
21	(11) For that purpose, the greenhouse gas emission reduction target for 2030 needs to be revised for each Member State. The revision of the greenhouse gas emission reduction target should use the same methodology that was followed when Regulation (EU) 2018/842 was first adopted, where the national contributions were determined in consideration of the different capacities and cost-efficiency opportunities in Member States so to ensure a fair and balanced distribution of the effort. The reduction of the maximum greenhouse gas emissions for each Member State in 2030 should thus be determined in relation to the level of its 2005 reviewed greenhouse gas emissions covered by this Regulation, excluding	(11) For that purpose, the greenhouse gas emission reduction target for 2030 needs to be revised for each Member State. The revision of the greenhouse gas emission reduction target should use <u>uses</u> the same methodology that was followed when Regulation (EU) 2018/842 was first adopted, where the national contributions were determined in consideration of the different capacities and cost-efficiency opportunities in Member States so to ensure a fair and balanced distribution of the effort. <u>The distribution of Member State targets nevertheless do not converge, which should be considered when evaluating how the national targets contribute to the objective of climate neutrality by 2050 at the</u>	(11) For that purpose, the greenhouse gas emission reduction target for 2030 needs to be revised for each Member State. The revision of the 2030 national greenhouse gas emission reduction target targets should use the same methodology as the one that was followed used when Regulation (EU) 2018/842 was first adopted, where the national contributions were determined in consideration of the different capacities and cost-efficiency opportunities in Member States so as to ensure a fair and balanced distribution of the effort. The reduction of the maximum greenhouse gas emissions greenhouse gas emission reduction target for each Member State in 2030 should thus be determined in relation to		Maintain Council text with legal/linguistic modifications. EP amendment not acceptable (covered by Council addition in recital 10, row 20).

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	verified greenhouse gas emissions from installations that operated in 2005 and which were only included in the emission trading system of the Union after 2005.	<u><i>latest in a cost-effective and fair manner.</i></u> The reduction of the maximum greenhouse gas emissions for each Member State in 2030 should thus be determined in relation to the level of its 2005 reviewed greenhouse gas emissions covered by this Regulation, excluding verified greenhouse gas emissions from installations that operated in 2005 and which were only included in the emission trading system of the Union after 2005.	the level of its 2005 reviewed greenhouse gas emissions covered by this Regulation, excluding verified greenhouse gas emissions from installations that operated in 2005 and which were only included in the emission trading system of the Union EU ETS after 2005.		
Recital 11a					
21a		<u><i>(11a) The communication of the Commission of 14 October 2020 on an EU strategy to reduce methane emissions highlighted that methane is a powerful greenhouse gas, second only to carbon dioxide in</i></u>			EP amendment not acceptable. The Council could show some openness to a recital on current instruments and possible next steps in the area of non-CO2 emissions in the context of an overall

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u>its overall contribution to climate change. On a molecular level, methane is more powerful than carbon dioxide. Although methane remains for a shorter time in the atmosphere than carbon dioxide, it has a significant effect on the climate. In September 2021, the Union and the United States announced the Global Methane Pledge, to which more than 100 countries in total have since joined. The signatories of the pledge aim to achieve by 2030 the collective goal of reducing global methane emissions by at least 30 % from 2020 levels and enhance reporting standards. Methane, nitrous oxide and so-called F-gases together account for over 20 % of the Union's greenhouse gas emissions. Given those commitments and the</u></p>			<p>compromise.</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>short-lived nature of many of those greenhouse gases, it is appropriate to lay down one or more Union targets for all non-CO2 greenhouse gas emissions in all sectors.</i></u>			
Recital 12					
22	(12) As a consequence, it will be necessary to set, as from the year of adoption of this Regulation, new binding national limits, expressed in annual emission allocations, progressively leading to the 2030 target of each Member State, while keeping in force the annual limits established for the years preceding it as set in Commission Implementing Decision (EU) 2020/2126 ¹ . 1. Commission Implementing Decision (EU) 2020/2126 of 16	(12) As a consequence, it will be necessary to set, as from the year of adoption of this Regulation, new binding national limits, expressed in annual emission allocations, progressively leading to the 2030 target of each Member State, while keeping in force the annual limits established for the years preceding it as set in Commission Implementing Decision (EU) 2020/2126 ¹ . 1. Commission Implementing Decision (EU) 2020/2126 of 16	(12) As a consequence, it will be necessary to set, as from the year of adoption of this Regulation, new binding national limits, expressed in annual emission allocations, progressively leading to the 2030 greenhouse gas emission reduction target of each Member State, while keeping in force the annual limits established for the years preceding its adoption as set in Commission Implementing Decision (EU) 2020/2126 ¹ . 1. Commission		Maintain Council text with legal/linguistic modifications.

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	December 2020 on setting out the annual emission allocations of the Member States for the period from 2021 to 2030 pursuant to Regulation (EU) 2018/842 of the European Parliament and of the Council (OJ L 426, 17.12.2018, p. 58).	December 2020 on setting out the annual emission allocations of the Member States for the period from 2021 to 2030 pursuant to Regulation (EU) 2018/842 of the European Parliament and of the Council (OJ L 426, 17.12.2018, p. 58).	Implementing Decision (EU) 2020/2126 of 16 December 2020 on setting out the annual emission allocations of the Member States for the period from 2021 to 2030 pursuant to Regulation (EU) 2018/842 of the European Parliament and of the Council (OJ L 426, 17.12.2018, p. 58).		
Recital 13					
23	(13) The COVID-19 pandemic has impacted the Union's economy and its level of emissions to a degree that cannot yet be fully quantified. On the other hand, the Union is deploying its largest stimulus package ever, also having a potential impact on the level of emissions. Due to those uncertainties,	(13) The COVID-19 pandemic has impacted the Union's economy and its level of emissions to a degree that cannot yet be fully quantified. On the other hand, the Union is deploying its largest stimulus package ever, <u>aiming to ensure a green recovery while</u> also having a potential impact on the	(13) The COVID-19 pandemic has impacted the Union's economy and its level of greenhouse gas emissions to a degree that cannot yet be fully quantified. On the other hand, the Union is deploying its largest stimulus package ever, which also has also having a potential impact on the		Maintain Council text with legal/linguistic modifications. EP amendment not acceptable, discussion pending final agreement on Article 4.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	it is appropriate to review the emissions data in 2025 and, if necessary, readjust the annual emission allocations.	level of emissions. <i>Due to those uncertainties, it is appropriate to review the emissions data in 2025 and, if it is appropriate to maintain a stable, predictable and ambitious regulatory emissions pathway throughout the ongoing decade in order to ensure both the necessary, readjust the annual emission allocations emissions reductions and planning security.</i>	level of emissions. Due to those uncertainties, it is appropriate to review the emissions data in 2025 and, if necessary, readjust the annual emission allocations.		
Recital 14					
24	(14) It is therefore appropriate to update in 2025 the annual emission allocations for the years 2026 to 2030. This should be based on a comprehensive review of the national inventory data carried out by the Commission in order to determine the average of	(14) <i>It is therefore appropriate to update in 2025 the annual emission allocations for the years 2026 to 2030. This should be based on a comprehensive review of the national inventory data carried out by the Commission in order to determine the average of</i>	(14) In order to take into account the uncertainties related to the COVID-19 pandemic as well as other unforeseen events having an impact on emissions, it is therefore appropriate to update in 2025 the annual emission allocations for the years 2026 to 2030. This update should be		Maintain Council text with legal/linguistic modifications. EP amendment not acceptable, discussion pending final agreement on Article 4.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	the greenhouse gas emissions of each Member State during the years 2021, 2022 and 2023.	<i>the greenhouse gas emissions of each Member State during the years 2021, 2022 and 2023.</i>	based on a comprehensive review of the national inventory data carried out by the Commission in order to determine the average of the greenhouse gas emissions of each Member State during the years 2021, 2022 and 2023. Moreover, in order to give predictability to Member States on the consequences of any unforeseen event, this update of the annual emission allocations should only be effective for a Member State if it results in a higher allocation for that Member State. The environmental integrity will be guaranteed by adjusting from 2023 the linear trajectory to the new ESR target of -40% by 2030.		
Recital 14a					

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24a		<p><u><i>(14a) In accordance with Regulation (EU) 2021/1119, priority should be given to reductions in direct emissions, which will have to be complemented by increased CO2 removals in order to achieve climate neutrality. Regulation (EU) 2021/1119 recognises that carbon sinks include natural and technological solutions. The role of technological solutions for carbon removal has also been addressed in several reports of the Intergovernmental Panel on Climate Change, in particular in the Working Group III contribution to the Sixth Assessment Report. It is important that a Union scheme for the certification of safely and permanently stored carbon removals through technological solutions is</i></u></p>			<p>EP amendment not acceptable as such. Council could be open to include a recital referring in general terms to upcoming Commission proposal on a carbon removal certification framework.</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u><i>put in place, offering clarity for Member States and market operators to enhance such removals. When such a certification scheme is in force, an analysis can be made about the accounting of such removals under Union law, including whether the accounting of such removals affects the emissions covered by Regulation (EU) 2018/842, in full respect of conditions set out in Article 4(1) of Regulation (EU) 2021/1119. Such removals are additional and do not offset the necessary reductions in emissions in accordance with the Union climate targets laid down in Regulation (EU) 2021/1119.</i></u></p>			
	Recital 14a				
	24b				

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			<p>(14a) Member States should be able to progressively reduce their greenhouse gas emissions, and reach their increased national targets for 2030 in a cost-effective manner. In view of the new and more stringent annual emission allocations required by this Regulation, it is appropriate to increase the existing ceilings on transfers of annual emission allocations between Member States. The possibility of transferring annual emission allocations promotes cooperation between Member States, allowing them to achieve their targets cost-effectively, while preserving environmental integrity. The transparency of such transfers should be ensured, so that they are</p>		<p>Maintain Council text. Discussion pending final agreement on related Articles.</p>

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			<p>carried out in a manner that is mutually convenient, including by means of auctioning, by the use of market intermediaries acting on an agency basis, by way of bilateral arrangements, or by the use of an electronic interface aiming to facilitate the exchange of information on intended transfers and reduce transaction costs. Member States are already required to report the summary information on concluded transfers pursuant to Commission Implementing Regulation (EU) 2020/1208¹. After compilation by the Commission, a summary of the information provided is made available within three months from receiving the reports by Member States, in electronic form,</p>		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			<p>providing the range of prices paid per annual emission allocations transaction. In addition, within the two periods between the publication of the implementing acts referred to in Article 38(4) of Regulation (EU) 2018/1999 and the start of the compliance check procedure, the Member States may report to the Commission on the 15th of each month on concluded transfers. Moreover, in order to facilitate the exchange of information on intended transfers, Member States are invited to continuously update the relevant information. A summary of the information received is compiled by the Commission and made available in a timely manner and in electronic form. Moreover, in order</p>		

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			<p>to improve transparency, before any effective transfer, Member States should inform the Climate Change Committee of their intention to proceed to a transfer of part of their annual emission allocation for a given year.</p> <p>1. Commission Implementing Regulation of 7 August 2020 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) 2018/1999 of the European Parliament and of the Council and repealing Commission Implementing Regulation (EU) No 749/2014 (OJ L 278, 26.08.2020, p. 1).</p>		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Recital 15					
25	(15) Under Regulation (EU) 2018/842, the cancellation of a limited quantity of emission allowances in the European Union emission trading system may be taken into account for some Member States' compliance under Regulation (EU) 2018/842. Given the particular structure of Malta's economy, the national reduction target of that Member State based on Gross Domestic Product per capita is significantly above its cost-effective reduction potential, is therefore appropriate to increase Malta's access to that flexibility, without compromising the 2030 target of the Union on emission reductions.	(15) Under Regulation (EU) 2018/842, the cancellation of a limited quantity of emission allowances in the European Union emission trading system may be taken into account for some Member States' compliance under Regulation (EU) 2018/842. Given the particular structure of Malta's economy, the national reduction target of that Member State based on Gross Domestic Product per capita is significantly above its cost-effective reduction potential, is it is therefore appropriate to increase Malta's access to that flexibility, without compromising the 2030 target of the Union on emission reductions. <u>The Member States entitled to</u>	(15) Under Regulation (EU) 2018/842, the cancellation of a limited quantity of emission allowances in the European Union emission trading system EU ETS may be taken into account for some Member States' compliance under Regulation (EU) 2018/842. Given the particular structure of Malta's economy, the national greenhouse gas emission reduction target of that Member State based on Gross Domestic Product per capita is significantly above its cost-effective reduction potential, is . It is therefore appropriate to increase Malta's access to that flexibility, without compromising the 2030 Union greenhouse gas emission reduction target.	(15) Under Regulation (EU) 2018/842, the cancellation of a limited quantity of emission allowances in the European Union emission trading system EU ETS may be taken into account for some Member States' compliance under Regulation (EU) 2018/842. <u>Two eligible Member States have not made use of that flexibility, while one eligible Member State has not made full use of that flexibility. In view of the increased ambition level set by this Regulation, those Member States should be granted a new opportunity to make use, or further use, of that flexibility. It is therefore appropriate to set a new deadline for those Member States to notify the</u>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>this flexibility but which did not make use of it in the 2019 context of Regulation (EU) 2018/842, should be given the possibility to revise that decision to take account of the newly proposed national reduction targets. The Member States concerned should also be allowed to revise their notified percentages more often.</i></u>	In view of the Union on emission reductions increased ambition level, it is appropriate to postpone the deadline for notifying the intention to make use of this flexibility from 31 December 2019 to 31 December 2023 for the Member States listed in Annex II that have not notified the Commission of an intention to make use of the flexibility, namely the Netherlands and Sweden.	<u><i>Commission of an intention to make use, or further use, of that flexibility. In addition,</i></u> given the particular structure of Malta's economy, the national <u><i>greenhouse gas emission</i></u> reduction target of that Member State based on Gross Domestic Product per capita is significantly above its cost-effective reduction potential, is . <u><i>It</i></u> is therefore appropriate to increase Malta's access to that flexibility, without compromising the 2030 target of the Union on emission reductions <u><i>Union greenhouse gas emission reduction target.</i></u> Provisionally agreed in interinstitutional technical meetings.	
Recital 16					
26	(16) In addition to that	(16) In addition to that	(16) In addition to that		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>flexibility, a limited quantity of net removals and net emissions from land use, land-use change and forestry ('LULUCF') may be taken into account for Member States' compliance under Regulation (EU) 2018/842 ('the LULUCF flexibility'). In order to ensure that sufficient mitigation efforts are deployed until 2030, it is appropriate to limit the use of the LULUCF flexibility by separating the use of such flexibility into two separate time periods, each capped by a limit corresponding to half of the maximum amount of total net removals set out in Annex III to Regulation (EU) 2018/842. It is also appropriate to bring the title of Annex III in line with the amendment to Regulation (EU) 2018/841 carried out by Commission Delegated Regulation (EU)</p>	<p>flexibility, a limited quantity of net removals and net emissions from land use, land-use change and forestry ('LULUCF') may be taken into account for Member States' compliance under Regulation (EU) 2018/842 ('the LULUCF flexibility'). In order to ensure that sufficient mitigation efforts are deployed until 2030, it is appropriate to limit the use of the LULUCF flexibility by separating the use of such flexibility into two separate time periods, each capped by a limit corresponding to half of the maximum amount of total net removals set out in Annex III to Regulation (EU) 2018/842. It is also appropriate to bring the title of Annex III in line with the amendment to Regulation (EU) 2018/841 carried out by Commission Delegated Regulation (EU)</p>	<p>flexibility, a limited quantity of net removals and net emissions from land use, land-use change and forestry ('LULUCF²') may be taken into account for Member States' compliance under Regulation (EU) 2018/842 ('the LULUCF flexibility'). In order to ensure that sufficient mitigation efforts are deployed until 2030, it is appropriate to limit the use of the LULUCF flexibility by separating the use of suchthat flexibility into two separate time periods, each capped by a limit corresponding to half of the maximum amount of total net removals set out in Annex III to Regulation (EU) 2018/842. It is also appropriate to bring the title of Annex III into line with the amendment to Regulation (EU) 2018/841 carried outfurther to its amendment by</p>		<p>Maintain Council text with legal/linguistic suggestions.</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>2021/268 of 28 October 2020¹. As a consequence, there is no longer a need for Regulation (EU) 2018/842 to provide for a legal basis allowing the Commission to adopt delegated acts to amend the title of its Annex III. Article 7(2) of Regulation (EU) 2018/842 should therefore be deleted.</p> <p>1. Commission Delegated Regulation (EU) 2021/268 of 28 October 2020 amending Annex IV to Regulation (EU) 2018/841 of the European Parliament and of the Council as regards the forest reference levels to be applied by the Member States for the period 2021-2025 (OJ L 60, 22.2.2021, p. 21).</p>	<p>2021/268 of 28 October 2020¹. As a consequence, there is no longer a need for Regulation (EU) 2018/842 to provide for a legal basis allowing the Commission to adopt delegated acts to amend the title of its Annex III. Article 7(2) of Regulation (EU) 2018/842 should therefore be deleted.</p> <p>1. Commission Delegated Regulation (EU) 2021/268 of 28 October 2020 amending Annex IV to Regulation (EU) 2018/841 of the European Parliament and of the Council as regards the forest reference levels to be applied by the Member States for the period 2021-2025 (OJ L 60, 22.2.2021, p. 21).</p>	<p>Commission Delegated Regulation (EU) 2021/268 of 28 October 2020¹. As a consequence, there is no longer a need for Regulation (EU) 2018/842 to provide for a legal basis allowing the Commission to adopt delegated acts to amend the title of its Annex III. Article 7(2) of Regulation (EU) 2018/842 should therefore be deleted.</p> <p>1. Commission Delegated Regulation (EU) 2021/268 of 28 October 2020 amending Annex IV to Regulation (EU) 2018/841 of the European Parliament and of the Council as regards the forest reference levels to be applied by the Member States for the period 2021-2025 (OJ L 60, 22.2.2021, p. 21).</p>		
Recital 16a					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
26a		<p><u><i>(16a) In order to ensure and incentivise compliance by Member States with respect to their minimum contributions for the period from 2021 to 2030 under Regulation (EU) 2018/842 as amended, corrective actions should be strengthened and more closely connected to the integrated national energy and climate plans under Regulation (EU) 2018/1999. If a Member State exceeds its annual emission allocations during two successive years, that Member State should revise its integrated national energy and climate plan submitted to it in accordance with Regulation (EU) 2018/1999, while giving the public a possibility to participate in the process.</i></u></p>			<p>EP amendment partly acceptable pending reformulation and mirroring agreement on Article 8.</p>
Recital 16b					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
26b		<p><u><i>(16b) The Union and the Member States are parties to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ('the Aarhus Convention')^{1b}. Public scrutiny and access to justice are an essential part of the democratic values of the Union and a tool to safeguard the rule of law. In the communication of the Commission of 14 October 2020 on improving access to justice in environmental matters in the EU and its Member States', the Commission recognised that access to justice is not guaranteed in all Member States and called on the Council and the European</i></u></p>			EP amendment not acceptable.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u><i>Parliament to introduce explicit access to justice provisions in sectoral legislation. It is therefore appropriate to lay down a provision to ensure the public's access to justice for the actions implementing Regulation (EU) 2018/842 as amended.</i></u></p> <p><u><i>1b. OJ L 124, 17.5.2005, p. 4.</i></u></p>			
Recital 16c					
26c		<p><u><i>(16c) In order to achieve the objectives under Regulation (EU) 2018/842 as amended and other Union legislation, particularly those under Regulation (EU) 2021/1119, the Union and its Member States should make use of the latest science while implementing policies. The</i></u></p>		<p><u><i>(16c) The Union's climate action should make use of the latest science. The advice of the European Scientific Advisory Board on Climate Change, established under Article 10a of Regulation (EC) No 401/2009*, should therefore be considered in the context of Regulation (EU) 2018/842.</i></u></p>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>advice of the European Scientific Advisory Board on Climate Change, established by Article 3 of Regulation (EU) 2021/1119, should therefore be considered throughout Regulation (EU) 2018/842 as amended, as appropriate.</u>		Provisionally agreed at interinstitutional technical meetings	
Recital 17					
27	(17) Considering, the introduction of a strengthened compliance regime in Regulation (EU) 2018/841 as of 2026, it is appropriate to abolish the deduction of the greenhouse gas emissions generated by each Member State in the period from 2026 to 2030 in the land sector in excess of its removals. Article 9(2) should therefore be amended accordingly.	(17) Considering, the introduction of a strengthened compliance regime in Regulation (EU) 2018/841 as of 2026, it is appropriate to abolish the deduction of the greenhouse gas emissions generated by each Member State in the period from 2026 to 2030 in the land sector in excess of its removals. Article 9(2) should therefore be amended accordingly.	(17) Considering, the introduction of a strengthened compliance regime in more ambitious targets under Regulation (EU) 2018/841 as of 2026, it is appropriate to abolish the deduction of the greenhouse gas emissions generated by each Member State in the period from 2026 to 2030 in the land sector in excess of its removals. Article 9(2) should therefore be amended accordingly.		Maintain Council text.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Recital 18					
28	(18) The setting of more ambitious targets under Regulation (EU) 2018/841 will decrease the capacity of Member States to generate net removals that can be used for compliance under Regulation (EU) 2018/842. In addition, the split of the use of the LULUCF flexibility into two separate time periods, will further limit the availability of net removals for the purpose of compliance with Regulation (EU) 2018/842. As a result, some Member States may face challenges in meeting their targets under Regulation (EU) 2018/842, while some Member States, the same or other, may generate net removals that cannot be used for compliance with	(18) <i>The setting of more ambitious targets under Regulation (EU) 2018/841 will decrease the capacity of Member States to generate net removals that can be used for compliance under Regulation (EU) 2018/842. In addition, the split of the use of the LULUCF flexibility into two separate time periods, will further limit the availability of net removals for the purpose of compliance with Regulation (EU) 2018/842. As a result, some Member States may face challenges in meeting their targets under Regulation (EU) 2018/842, while some Member States, the same or other, may generate net removals that cannot be used for compliance with Regulation</i>	(18) The setting of more ambitious targets under Regulation (EU) 2018/841 will decrease the capacity of Member States to generate net removals that can be used for compliance under Regulation (EU) 2018/842. In addition, the split of the use of the LULUCF flexibility into two separate time periods, will further limit the availability of net removals for the purpose of compliance with Regulation (EU) 2018/842. As a result, some Member States may might face challenges in meeting their targets under Regulation (EU) 2018/842, while some Member States, the same or other, may might generate net removals that cannot be used for compliance with		EP amendment not acceptable. Linked to Article 11a and to be addressed in the overall discussion on related articles.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	Regulation (EU) 2018/842. As long as the Union objectives as set out in Article 3 of Regulation (EU) 2021/1119 are met, in particular with regard to the maximum limit of the contribution of net removals, it is appropriate to create a new voluntary mechanism, in the form of an additional reserve, that will help adhering Member States to comply with their obligations.	(EU) 2018/842. As long as the Union objectives as set out in Article 3 of Regulation (EU) 2021/1119 are met, in particular with regard to the maximum limit of the contribution of net removals, it is appropriate to create a new voluntary mechanism, in the form of an additional reserve, that will help adhering Member States to comply with their obligations.	Regulation (EU) 2018/842. As long as the Union objectives as set out in Article 34 of Regulation (EU) 2021/1119 are met, in particular with regard to the maximum limit of the contribution of net removals, it is appropriate to create a new voluntary mechanism, in the form of an additional reserve, that will help adhering Member States to comply with their obligations.		
Recital 18a					
28a		<u>(18a) Given the long-term dimension of effective climate protection set out in Regulation (EU) 2021/1119 and the Union's commitment to the objectives of the Paris Agreement, clarity about Member States' individual long-term reduction pathways beyond 2030</u>			<u>(18a) "Given the long-term dimension of effective climate protection set out in Regulation (EU) 2021/1119 and the Union's commitment to the objectives of the Paris Agreement, as part of the review of Regulation (EU) 2018/842 in 2024, those reports should set a</u>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<i>would allow for more accurate policy planning. It is therefore appropriate to include a process setting national reduction pathways for each Member State for climate neutrality by 2050 at the latest.</i>			<p><i>reduction pathway for greenhouse gas emissions that is compatible with the binding objective of climate neutrality in the Union by 2050."</i></p> <p>EP amendment partly acceptable but should be streamlined with the compromise wording in Article 15 (reduction pathways compatible with the objective of Union climate neutrality and not at MS level.) See compromise suggestion above.</p>
Recital 18a					
28b			(18a) Since the objectives of this Regulation, in particular to adjust, in light of the European Climate Law, the obligations on Member States with respect to their minimum contributions for the		Maintain Council text (standard recital).

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			<p>period from 2021 to 2030 to fulfilling the Union's target of reducing its greenhouse gas emissions and to contribute to achieving the objectives of the Paris Agreement, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>		
Recital 19					
29					

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	(19) Regulation (EU) 2018/842 should therefore be amended accordingly,	(19) Regulation (EU) 2018/842 should therefore be amended accordingly,	(19) Regulation (EU) 2018/842 and Regulation 2018/1999 should therefore be amended accordingly,		Maintain Council text with legal/linguistic modification.
Formula					
30	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Article 1					
31	Article 1	Article 1	Article 1	Article 1	
Article 1, first paragraph, introductory part					
32	Regulation (EC) 2018/842 is amended as follows:	Regulation (EC) 2018/842 is amended as follows:	Regulation (ECEU) 2018/842 is amended as follows:	Regulation (ECEU) 2018/842 is amended as follows:	Council: legal/linguistic correction
Article 1, first paragraph, point (1), amending provision (Article 1)					
33	(1) In Article 1, “30%” is replaced by “40%”;	(1) In Article 1, “30%” is replaced by <u>“40%”; the following:</u>	(1) In Article 1, “30%” is replaced by “40%”; the following:	(1) In Article 1, “30%” is replaced by <u>“40%”; the following:</u>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (1), amending provision (Article 1)					
33a		" Article 1 Subject matter	" Article 1 Subject matter	" Article 1 Subject matter	
Article 1, first paragraph, point (1), amending provision (Article 1)					
33b		This Regulation lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 towards fulfilling the Union's target of reducing its greenhouse gas emissions by 40 % below 2005 levels in 2030 in the sectors covered by Article 2 of this Regulation. It contributes to the long-term target of climate neutrality in the Union by 2050 at the latest, with the aim to achieve negative emissions thereafter. It thereby contributes to	This Regulation lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's target of reducing its greenhouse gas emissions by 40% below 2005 levels in 2030 in the sectors covered by Article 2 of this Regulation and contributes to achieving the objectives of the Paris Agreement as well as the objective of climate neutrality within the Union at the latest by 2050 under Regulation	This Regulation lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 towards fulfilling the Union's target of reducing its greenhouse gas emissions by 40 % below 2005 levels in 2030 in the sectors covered by Article 2 of this Regulation. It contributes to the long-term target of climate neutrality in the Union at the latest by 2050, with the aim to achieve negative emissions thereafter. It thereby contributes to	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>achieving the objectives of Regulation (EU) 2021/1119 and the Paris Agreement. This Regulation also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions and paves the way for the setting of post-2030 Union's greenhouse gas emissions reduction targets in the sectors covered by Article 2 of this Regulation.</u>	(EU) 2021/1119. This Regulation also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.'	<u>achieving the objectives of Regulation (EU) 2021/1119 and the Paris Agreement. This Regulation also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.</u> Provisionally agreed at interinstitutional technical meetings.	
Article 1, first paragraph, point (2), introductory part, amending provision (Article 2)					
34	(2) In Article 2, paragraph 1 is replaced by the following:	(2) In Article 2, paragraph 1 is replaced by the following <u>is amended as follows:</u>	(2) In Article 2, paragraph 1 is replaced by the following:		
Article 1, first paragraph, point (2)(a), amending provision (Article 2)					
34a					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		‘ <u>(a) paragraph 1 is replaced by the following:</u>			
Article 1, first paragraph, point (2)(a), amending provision (Article 2)					
35	‘ This Regulation applies to the greenhouse gas emissions from IPCC source categories of energy, industrial processes and product use, agriculture and waste as determined pursuant to Regulation (EU) 2018/1999 of the European Parliament and the Council*, excluding greenhouse gas emissions from the activities listed in Annex I to Directive 2003/87/EC, other than the activity “maritime transport”.	This Regulation applies to the greenhouse gas emissions from IPCC source categories of energy, industrial processes and product use, agriculture and waste as determined pursuant to Regulation (EU) 2018/1999 of the European Parliament and the Council*, excluding greenhouse gas emissions from the activities listed in Annex I to Directive 2003/87/EC, other than the activity "maritime transport".	‘ “This Regulation applies to the greenhouse gas emissions from IPCC source categories of energy, industrial processes and product use, agriculture and waste as determined pursuant to Regulation (EU) 2018/1999 of the European Parliament and the Council*, excluding greenhouse gas emissions from the activities listed in Annex I to Directive 2003/87/EC, other than the activity "maritime transport".’	‘ This Regulation applies to the greenhouse gas emissions from IPCC source categories of energy, industrial processes and product use, agriculture and waste as determined pursuant to Regulation (EU) 2018/1999 of the European Parliament and the Council*, excluding greenhouse gas emissions from the activities listed in Annex I to Directive 2003/87/EC, other than the activity “maritime transport”.	
Article 1, first paragraph, point (2)(a), amending provision (Article 2, footnote)					
36	* Regulation (EU) 2018/1999 of the European	* Regulation (EU) 2018/1999 of the European	* Regulation (EU) 2018/1999 of the European	* Regulation (EU) 2018/1999 of the European	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	
Article 1, first paragraph, point (2)(b), amending provision (Article 2)					
36a		<u>(b) paragraph 1a is inserted:</u>			

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (2)(b), amending provision (Article 2)					
36b		<p><i><u>1a. For the purpose of this Regulation, only biofuels, bioliquids, and biomass fuels which comply with the sustainability and greenhouse gas emission savings criteria established by Directive (EU) 2018/2001 of the European Parliament and of the Council^{1a} can be considered to have zero emissions. If the share of biofuels and bioliquids, as well as the share of biomass fuels consumed in transport, that is produced from food and feed crops is higher than the maximum share established in Article 26 of Directive (EU) 2018/2001, those fuels and liquids shall not be considered to have zero emissions for the purpose of this Regulation.</u></i></p>			<p>EP amendment not acceptable: beyond the scope of the ESR (sustainability criteria defined in the Renewable Energy Directive) and not in line with UNFCCC inventory rules.</p> <p>In the spirit of compromise Council is open to consider a possible recital based on Commission wording on policy coherence and implementation of RED.</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u><i>By January 2024, the Commission shall, where appropriate, present to the European Parliament and the Council a legislative proposal to amend the rules concerning the greenhouse gas emissions determination and reporting requirements enshrined in the Regulation (EU) 2018/1999 pursuant to this Article.</i></u></p> <p><u><i>In Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable source (OJ L 328, 21.12.2018, p. 82).</i></u></p>			
Article 1, first paragraph, point (3), introductory part, amending provision (Article 4)					
37	(3) In Article 4, paragraphs 2 and 3 are replaced by the following:	(3) In Article 4, paragraphs 2 and 3 are replaced by the following <u>is amended as follows:</u>	(3) In Article 4, paragraphs 2 and 3 are replaced by the following <u>is amended as follows:</u>	(3) In Article 4, paragraphs 2 and 3 are replaced by the following <u>is amended as follows:</u>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (3)(a), amending provision (Article 4)					
37a		‘ <u>(a) paragraphs 2 and 3 are replaced by the following:</u>	‘ (a) paragraphs 1, 2 and 3 are replaced by the following:		See next row
Article 1, first paragraph, point (3), introductory part, amending provision (Article 4)					
37b			1. Each Member State shall, in 2030, limit its greenhouse gas emissions at least by the percentage set for that Member State in column 2 of Annex I in relation to its greenhouse gas emissions in 2005, determined pursuant to paragraph 3 of this Article.		Council: Technical correction to add reference to column 2 of Annex I.
Article 1, first paragraph, point (3) (a), amending provision (Article 4)					
38	‘ 2. Subject to the flexibilities provided for in Articles 5, 6 and 7 of this Regulation and the	2. Subject to the flexibilities provided for in Articles 5, 6 and 7 of this Regulation and the adjustment pursuant to its	2. Subject to the flexibilities provided for in Articles 5, 6 and 7 of this Regulation and the adjustment pursuant to its		Maintain Council text with legal/linguistic adjustment.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	adjustment pursuant to its Article 10(2) and taking into account any deduction resulting from the application of Article 7 of Decision No 406/2009/EC, each Member State shall ensure that its greenhouse gas emissions:	Article 10(2) and taking into account any deduction resulting from the application of Article 7 of Decision No 406/2009/EC, each Member State shall ensure that its greenhouse gas emissions:	Article 10(2) of this Regulation , and taking into account any deduction resulting from the application of Article 7 of Decision No 406/2009/EC, each Member State shall ensure that its greenhouse gas emissions:		
Article 1, first paragraph, point (3)(a), amending provision (Article 4)					
39	(a) do not exceed, in the years 2021 and 2022, the limit defined by a linear trajectory, starting on the average of its greenhouse gas emissions during 2016, 2017 and 2018, as set out pursuant to paragraph 3 of this Article, and ending in 2030 at the limit set for that Member State in column 1 of Annex I to this Regulation. The linear trajectory of a Member State shall start either at five-twelfths of the distance from 2019 to 2020 or in	(a) do not exceed, in the years 2021 and 2022, the limit defined by a linear trajectory, starting on the average of its greenhouse gas emissions during 2016, 2017 and 2018, as set out pursuant to paragraph 3 of this Article, and ending in 2030 at the limit set for that Member State in column 1 of Annex I to this Regulation. The linear trajectory of a Member State shall start either at five-twelfths of the distance from 2019 to 2020 or in	(a) do not exceed, in the years 2021 and 2022, the limit defined by a linear trajectory, starting on the average of its greenhouse gas emissions during in 2016, 2017 and 2018, as set out pursuant to paragraph 3 of this Article, and ending in 2030 at the limit set for that Member State in column 1 of Annex I to this Regulation. The linear trajectory of a Member State shall start either at five-twelfths of the distance from 2019 to 2020 or in		Maintain Council text with legal/linguistic adjustment.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	2020, whichever results in a lower allocation for that Member State;	2020, whichever results in a lower allocation for that Member State;	2020, whichever results in a lower annual emission allocation for that Member State;		
Article 1, first paragraph, point (3)(a) amending provision (Article 4)					
40	(b) do not exceed, in the years 2023, 2024 and 2025, the limit defined by a linear trajectory starting in 2022 at the annual emission allocation for that Member State, as set out pursuant to paragraph 3 of this Article for that year, and ending in 2030 at the limit set for that Member State in column 2 of Annex I to this Regulation;	(b) do not exceed, in the years 2023, 2024 and 2025 <u>to 2030</u> , the limit defined by a linear trajectory starting in 2022 at the annual emission allocation for that Member State <u>on the average of its greenhouse gas emissions during 2016, 2017, and 2018</u> , as set out pursuant to paragraph 3 of this Article for that year, and ending in 2030 at the limit set for that Member State in column 2 of Annex I to this Regulation; <u>The linear trajectory of a Member State shall start either at five-twelfths of the distance from 2019 to 2020 or in 2020, whichever</u>	(b) do not exceed, in the years 2023, 2024 and 2025, the limit defined by a linear trajectory starting in 2022 at the annual emission allocation for that Member State, as set out pursuant to paragraph 3 of this Article for that year, and ending in 2030 at the limit set for that Member State in column 2 of Annex I to this Regulation;		EP amendment not acceptable (maintain Council's General Approach). Amendments on Article 4 linked to discussion on flexibilities (Article 5) and additional reserve (Article 11a) as part of the overall well-balanced compromise.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>results in a lower allocation for that Member State</u>			
Article 1, first paragraph, point (3)(a), amending provision (Article 4)					
41	(c) do not exceed, in the years 2026 to 2030, the limit defined by a linear trajectory starting in 2024, at the average of its greenhouse gas emissions during the years 2021, 2022 and 2023, as submitted by the Member State pursuant to Article 26 of Regulation (EU) 2018/1999, and ending in 2030 at the limit set for that Member State in column 2 of Annex I to this Regulation.	(c) do not exceed, in the years 2026 to 2030, the limit defined by a linear trajectory starting in 2024, at the average of its greenhouse gas emissions during the years 2021, 2022 and 2023, as submitted by the Member State pursuant to Article 26 of Regulation (EU) 2018/1999, and ending in 2030 at the limit set for that Member State in column 2 of Annex I to this Regulation.	(c) do not exceed, in the years 2026 to 2030, the limit defined by a linear trajectory starting in 2022, at the annual allocation for that Member State, as set out pursuant to paragraph 3 of this Article for that year, or starting in 2024 , at the average of its greenhouse gas emissions during the years 2021, 2022 and 2023, as submitted by the that Member State pursuant to Article 26 of Regulation (EU) 2018/1999, whichever results in a higher allocation for that Member State , and ending in 2030 at the limit set for that Member State in column 2 of the table in		EP amendment not acceptable (maintain Council's General Approach)

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			Annex I to this Regulation.		
Article 1, first paragraph, point (3)(a), amending provision (Article 4)					
42	3. The Commission shall adopt implementing acts setting out the annual emission allocations for each Member State for the years from 2021 to 2030 in tonnes of CO ₂ equivalent in accordance with the linear trajectories set out in paragraph 2.	3. The Commission shall adopt implementing acts <u>following close consultation with Member States</u> , setting out the annual emission allocations for each Member State for the years from 2021 to 2030 in tonnes of CO ₂ equivalent in accordance with the linear trajectories set out in paragraph 2.	3. The Commission shall adopt implementing acts setting out the annual emission allocations for each Member State for the years from 2021 to 2030 in tonnes of CO ₂ equivalent in accordance with the linear trajectories set out in paragraph 2 of this Article .		EP amendment not acceptable (consultation with Member States takes place, but as part of the comitology procedure foreseen in unamended paragraph 5 of Article 4)
Article 1, first paragraph, point (3)(a), amending provision (Article 4)					
43	For the years 2021 and 2022, it shall determine the annual emission allocations based on a comprehensive review of the most recent national inventory data for the years 2005 and 2016 to 2018 submitted by the Member States pursuant to Article 7 of Regulation	For the years 2021 and 2022, it shall determine the annual emission allocations based on a comprehensive review of the most recent national inventory data for the years 2005 and 2016 to 2018 submitted by the Member States pursuant to Article 7 of Regulation	For the years 2021 and 2022, the Commission shall determine the annual emission allocations based on a comprehensive review of the most recent national inventory data for the years 2005 and 2016, 2017 and to 2018 submitted by the Member States pursuant to		Maintain Council text with legal/linguistic adjustments.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	(EU) No 525/2013 and indicate the value for the 2005 greenhouse gas emissions of each Member State used to determine those annual emission allocations.	(EU) No 525/2013 and indicate the value for the 2005 greenhouse gas emissions of each Member State used to determine those annual emission allocations.	Article 7 of Regulation (EU) No 525/2013 and indicate the value for the 2005 greenhouse gas emissions of each Member State used to determine those annual emission allocations.		
Article 1, first paragraph, point (3)(a) amending provision (Article 4)					
44	For the years 2023, 2024 and 2025, it shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph and the reviewed values of the national inventory data for the years 2016, 2017 and 2018 referred to in the second subparagraph.	For the years 2023, 2024 <u>and 2025 to 2030</u> , it shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph and the reviewed values of the national inventory data for the years 2016, 2017 and 2018 referred to in the second subparagraph.	For the years 2023, 2024 and 2025, it shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph of this paragraph and on and the reviewed values of the national inventory data for the years 2016, 2017 and 2018 referred to in the second subparagraph.		EP amendment not acceptable (maintain Council's General Approach)
Article 1, first paragraph, point (3)(a), amending provision (Article 4)					
45					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	For the years 2026 to 2030, it shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph and on a comprehensive review of the most recent national inventory data for the years 2021, 2022 and 2023 submitted by the Member States pursuant to Article 26 of Regulation (EU) 2018/1999.	<i>For the years 2026 to 2030, it shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph and on a comprehensive review of the most recent national inventory data for the years 2021, 2022 and 2023 submitted by the Member States pursuant to Article 26 of Regulation (EU) 2018/1999.</i>	For the years 2026 to 2030, it shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph of this paragraph and either on the reviewed values of the national inventory data for the years 2016, 2017 and 2018 referred to in the second subparagraph or and on a comprehensive review of the most recent national inventory data for the years 2021, 2022 and 2023 submitted by the Member States pursuant to Article 26 of Regulation (EU) 2018/1999, whichever results in a higher allocation for that Member State.’;		EP amendment not acceptable (maintain Council's General Approach)
Article 1, first paragraph, point (3)(b), amending provision (Article 4)					
45a					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			(b) In paragraph 4, "Article 6(3)" is replaced by "Article 6(3), (3a) and (3b)".	<u>(b) In paragraph 4, "Article 6(3)" is replaced by "Article 6(3), (3a) and (3b)".</u> Technical correction (consequential to provisionally agreed changes to Article 6)	
Article 1, first paragraph, point (3)(c), amending provision (Article 4)					
45b		<u>(c) paragraph 5a is inserted:</u>			See row below
Article 1, first paragraph, point (3)(c), amending provision (Article 4)					
45c		<u>5a. The actions undertaken to limit the greenhouse gas emissions as set out in paragraphs 1, 2 and 3 shall be implemented in line with a fair and just transition for all. The Commission shall adopt common guidelines identifying methods to support Member States in</u>		<u>5a. When undertaking the actions to limit the greenhouse gas emissions under paragraphs 1 and 2, Member States shall consider the need to ensure a just and socially fair transition for all. The Commission may issue guidance to support Member States in that</u>	Text provisionally agreed at technical level. Agreement of the Council is at the moment conditional to further clarification on technical level as the position of the Council is that inclusion of this paragraph and agreed text in row 13a (in recital 3a) should replace all three recitals (3a, 3b, 3c).

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>implementing that fair and just transition for all.</i></u>		<u><i>regard.</i></u> Provisionally agreed in interinstitutional technical meetings. See also row 13a.	
Article 1, first paragraph, point (3a), introductory part (Article 4a)					
45d		<u><i>(3a) The following Article is inserted:</i></u>			See row below
Article 1, first paragraph, point (3a), amending provision (Article 4a)					
45e		<u><i>Article 4a</i></u> " <u><i>Minimum emissions reduction contribution from non-CO₂ greenhouse gases for 2030</i></u>			EP amendment not acceptable: not consistent with the logic of the ESR and subsidiarity principle; doubts about added value.
Article 1, first paragraph, point (3a), amending provision (Article 4a)					
45f		<u><i>1. By July 2023, the Commission shall, where appropriate, present to the European Parliament and the Council a legislative</i></u>			EP amendment not acceptable

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>proposal setting one or more Union-wide targets for the reduction of non-CO₂ emissions covered by Article 2(1) of this Regulation by 2030. The target or targets shall be aligned with estimated emission reductions necessary for the fulfilment of the target set in Article 1 of this Regulation and the objective set in Article 2 of Regulation (EU) 2021/1119 and shall be proposed following close consultation with the Scientific Advisory Board on Climate Change.</i></u>			
Article 1, first paragraph, point (3a), amending provision (Article 4a)					
45g		<u><i>2. By 31 July 2023, the Commission shall submit a report to the European Parliament and the Council, assessing the Union-wide non-CO₂</i></u>			EP amendment not acceptable as such. Council could consider possible openness towards including a recital subject to acceptable wording on existing

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u><i>emissions reductions planned and implemented under relevant Union and national laws and policies, including the integrated national energy and climate plans pursuant to Regulation (EU) 2018/1999 and the Common Agricultural Policy Strategic Plans pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council^{1a}. Where the Commission presents a legislative proposal pursuant to paragraph 1 and assesses that the non-CO₂ emission reductions are not expected to reach the target or targets referred to in that paragraph, the Commission shall make recommendations for additional mitigation measures and Member States shall take appropriate actions.</i></u></p>			<p>instruments and envisaged next steps in line with the ESR logic and the ECL</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u>1a. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).</u></p>			
Article 1, first paragraph, point (3a), amending provision (Article 4a)					
45h					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u>3. If the Commission concludes, in the report referred to in paragraph 2 of this Article or in its annual assessment under Article 26 of Regulation (EU) 2018/1999, that the Union is not making sufficient progress towards meeting the minimum emission contribution as regards the non-CO₂ emissions pursuant to Article 1 of this Regulation, the Commission shall, where appropriate, present legislative proposals to the European Parliament and the Council, which may include sectoral targets or sector specific measures, or both, to that effect.</u></p>			EP amendment not acceptable. See above.
Article 1, first paragraph, point (3b), introductory part (Article 5)					
45i		<u>(3b) Article 5 is amended as follows:</u>	(3a) Article 5 is amended as follows:		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (3b)(a), amending provision (Article 5)					
45j		" <u>(a) paragraphs 1, 2, 3 and 4 are replaced as follows:</u>	"		
Article 1, first paragraph, point (3b)(a), amending provision (Article 5)					
45k		<u>1. In respect of the years 2021 to 2029, a Member State may borrow a quantity of up to 5 % from its annual emission allocation for the following year."</u>			EP amendment not acceptable: Council supports the Commission proposal to maintain existing rules (up to 10% in respect of 2021-2025 and up to 5% in respect of 2026-2029).
Article 1, first paragraph, point (3b)(a), amending provision (Article 5)					
45l		<u>2. Deleted [In respect of the years 2026 to 2029, a Member State may borrow a quantity of up to 5 % from its annual emission allocation for the following year.]</u>			EP amendment not acceptable: Council supports maintaining existing rules (maintain up to 10% in respect of 2021-2025 and up to 5% in respect of 2026-2029).

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
					Council could consider possible limited openness towards the EP in the first 5-year period only if the EP takes a constructive approach on the questions of strictness of the trajectory for 2026-2030, other flexibilities and in the context of an overall balanced text.
Article 1, first paragraph, point (3b)(a), amending provision (Article 5)					
45m		<p><u>3. A Member State whose greenhouse gas emissions for a given year are below its annual emission allocation for that year, taking into account the use of flexibilities pursuant to this Article and Article 6, may:</u></p> <p><u>(a) in respect of the year 2021, bank the excess part of its annual emission allocation up to a level of 5 % of its annual emission allocation to subsequent</u></p>			EP amendment not acceptable: the Council supports maintaining existing rules (in respect of the year 2021, possible to bank excess part of allocation to subsequent years until 2030; in respect of years 2022 to 2029; up to 30% of allocations up to that year to subsequent years until 2030.)

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u>years until 2025 and</u></p> <p><u>(b) in respect of the years 2022 to 2024, bank the excess part of its annual emission allocation up to a level of 10 % of its annual emission allocations up to that year to subsequent years until 2025.</u></p> <p><u>(ba) in respect of the years 2026 to 2029, bank the excess part of its annual emission allocation up to a level of 10 % of its annual emission allocations up to that year to subsequent years until 2030.</u></p>			
Article 1, first paragraph, point (3b)(a), amending provision (Article 5)					
45n		<p><u>4. A Member State may transfer up to 5 % of its annual emission allocation for a given year to other Member States in respect of the years 2021 to 2025. The receiving Member</u></p>	<p>(a) in paragraph 4, "5%" is replaced by "10%" and "10%" is replaced by "20%";</p>	<p>Last sentence of the EP amendment covered by compromise on transparency of transfers provisionally agreed at interinstitutional technical meetings.</p>	<p>EP amendments to reduce amount of flexibility not acceptable. Maintain General Approach.</p> <p>The Council could consider possible limited openness</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u>State may use that quantity for compliance under Article 9 for the given year or for subsequent years until 2025.</u></p> <p><u>A Member State may transfer up to 5 % of its annual emission allocation for a given year to other Member States in respect of the years 2026 to 2030. The receiving Member State may use that quantity for compliance under Article 9 for the given year or for subsequent years until 2030.</u></p> <p><u>Member States shall inform the Commission of any actions taken pursuant to this paragraph, and the transfer price per tonne of CO₂ equivalent.</u></p>			<p>towards the EP in some years only if the EP takes a constructive approach on the question of the strictness of trajectory, other flexibilities and in the context of an overall balanced text.</p>
Article 1, first paragraph, point (3b)(b), amending provision (Article 5)					
45o			(b) the following	"	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			paragraph is inserted:	<u><i>(b) the following paragraph is inserted:</i></u> Provisionally agreed at interinstitutional technical meetings.	
Article 1, first paragraph, point (3b)(b), amending provision (Article 5)					
45p			5a. 'Before any effective transfer of annual emission allocations pursuant to paragraphs 4 and 5, a Member State shall inform, in electronic form, the Climate Change Committee of its intention to proceed to a transfer of part of its annual emission allocation for a given year.'	<u><i>5a. Before any transfer of annual emission allocations pursuant to paragraphs 4 and 5, a Member State shall inform, in electronic form, the Climate Change Committee of its intention to transfer part of its annual emission allocation for any given year.</i></u> Provisionally agreed at interinstitutional technical meetings in the context of the compromise on transparency of transfers.	
Article 1, first paragraph, point (3b)(c), amending provision (Article 5)					
45q					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>(c) paragraph 6 is replaced by the following:</u>		<u>(c) paragraph 6 is replaced by the following:</u>	
Article 1, first paragraph, point (3b)(c), amending provision (Article 5)					
45r		<u>6. Member States shall use revenues generated by transfers of annual emission allocations pursuant to paragraphs 4 and 5 to tackle climate change in the Union or in third countries. Member States shall inform the Commission of any actions taken pursuant to this paragraph and shall make this information public in an easily accessible form. A Member State which transfers annual emissions allocations to another Member State shall publish the record of the transfer and make public the remuneration received for those allocations.</u>		<u>6. Member States should use revenues generated by transfers of annual emission allocations pursuant to paragraphs 4 and 5 to tackle climate change in the Union or in third countries. Member States shall inform the Commission of any actions taken pursuant to this paragraph and shall make that information public in an easily accessible form.</u> <p>First part provisionally agreed at interinstitutional technical meetings. Second part (last sentence) part of provisional agreement on transparency of transfers.</p>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (4), introductory part (Article 6)					
46	(4) in Article 6 the following paragraph 3a is inserted:	(4) in Article 6 the following paragraph 3a is inserted <u>is amended as follows:</u>	(4) in Article 6 the following paragraph 3a is inserted <u>is amended as follows:</u>	(4) in Article 6 the following paragraph 3a is inserted <u>is amended as follows:</u> Changes to Article 6 provisionally agreed at interinstitutional technical meetings.	
Article 1, first paragraph, point (4)(a), amending provision (Article 6)					
46a		<u>(a) subparagraph 2 of paragraph 3 is replaced by the following:</u>	(a) In the second paragraph of paragraph 3, the word "downwards" is deleted.	<u>(a) Paragraph 3 is replaced by the following:</u>	
Article 1, first paragraph, point (4)(a), amending provision (Article 6)					
46b		<u>The Member States listed in Annex II may decide to revise their notification decision by 2023 and to revise the notified percentage downwards once in 2024 and once in</u>		<u>3. The Member States listed in Annex II shall notify the Commission by 31 December 2019 of any intention to make use of the limited cancellation of EU ETS allowances</u>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>2027. In such case, the Member State concerned shall notify the Commission thereof by 31 December 2023, by 31 December 2024 or by 31 December 2027, respectively.</u>		<u>referred to in paragraph 1 of this Article, up to the percentage listed in Annex II for each year of the period from 2021 to 2030 for each Member State concerned, for its compliance under Article 9.</u> <u>The Member States listed in Annex II may decide to revise the notified percentage once in 2024 and once in 2027. In such case, the Member State concerned shall notify the Commission thereof by 31 December 2024 or by 31 December 2027, respectively.</u> Provisionally agreed at interinstitutional technical meetings.	
Article 1, first paragraph, point (4)(b), amending provision (Article 6)					
6	46c	<u>(b) the following paragraph 3a is inserted</u>	(b) the following paragraphs 3a and 3b are	<u>(b) the following paragraphs 3a and 3b are</u>	6

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			inserted:	<u>inserted:</u>	
Article 1, first paragraph, point (4)(b), amending provision (Article 6)					
47	3a. Malta shall notify the Commission by 31 December 2023 if it intends to make use of the limited cancellation of EU ETS allowances referred to in paragraph 1, up to the percentage listed in Annex II for each of the years 2025 to 2030 for its compliance under Article 9.	3a. Malta shall notify the Commission by 31 December 2023 if it intends to make use of the limited cancellation of EU ETS allowances referred to in paragraph 1, up to the percentage listed in Annex II for each of the years 2025 to 2030 for its compliance under Article 9.	3a. ‘Malta shall notify the Commission by 31 December 2023 if it intends to make use of the limited cancellation of EU ETS allowances referred to in paragraph 1, up to the percentage listed in Annex II for each of the years 2025 to 2030 for its compliance under Article 9.	3a. Malta shall notify the Commission by 31 December 2023 if it intends to make use of the limited cancellation of EU ETS allowances referred to in paragraph 1, up to the percentage listed in Annex II for each of the years 2025 to 2030 for its compliance under Article 9.	
Article 1, first paragraph, point (4)(b), amending provision (Article 6)					
47a			3b. Notwithstanding paragraph 3, the Member States listed in Annex II which have not notified the Commission by 31 December 2019 of an intention to make use of the limited cancellation of EU ETS allowances	<u>3b. Notwithstanding paragraph 3, the Member States listed in Annex II which have not notified the Commission by 31 December 2019 of an intention to make use, or full use, of the limited cancellation of EU ETS</u>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			referred to in paragraph 1 of this Article shall notify the Commission by 31 December 2023 if they intend to make use of the limited cancellation of EU ETS allowances referred to in paragraph 1 of this Article, up to the percentage listed in Annex II for each year of the period from 2025 to 2030 for each Member State concerned, for its compliance under Article 9.;	<u>allowances referred to in paragraph 1 of this Article shall notify the Commission by 31 December 2023 if they intend to make use, or further use, of that limited cancellation of EU ETS allowances, up to the percentage listed in Annex II for each year of the period from 2025 to 2030 for each Member State concerned, for its compliance under Article 9.;</u> Provisionally agreed at interinstitutional technical meetings.	
Article 1, first paragraph, point (4)(c), amending provision (Article 6)					
47b			(c) The following is inserted at the end of paragraph 4:	<u>(c) Paragraphs 4 and 5 are replaced by the following:</u>	
Article 1, first paragraph, point (4)(c), amending provision (Article 6)					
47c					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			<p>‘One-sixth of the total quantity of EU ETS allowances determined pursuant to Article 4(4) of this Regulation shall be cancelled pursuant to Article 12(4) of Directive 2003/87/EC for each year from 2025 to 2030 for Member States that have notified the Commission pursuant to paragraphs 3a and 3b of this Article.’</p>	<p><u>4. At a Member State’s request, the Central Administrator designated pursuant to Article 20(1) of Directive 2003/87/EC (‘the Central Administrator’) shall take into account an amount up to the total quantity determined pursuant to Article 4(4) of this Regulation for that Member States’ compliance under Article 9 of this Regulation. One-tenth of the total quantity of EU ETS allowances determined pursuant to Article 4(4) of this Regulation shall be cancelled pursuant to Article 12(4) of Directive 2003/87/EC for each year from 2021 to 2030 for that Member State. One-sixth of the total quantity of EU ETS allowances determined pursuant to Article 4(4) of this Regulation shall be</u></p>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
				<p><u>cancelled pursuant to Article 12(4) of Directive 2003/87/EC for each year from 2025 to 2030 for Member States that have notified the Commission pursuant to paragraphs 3a and 3b of this Article.</u></p> <p><u>5. Where a Member State, in accordance with paragraph 3 of this Article, has notified the Commission of its decision to revise the previously notified percentage, a correspondingly lower or higher quantity of EU ETS allowances shall be cancelled for that Member State in respect of each year from 2026 to 2030 or from 2028 to 2030, respectively.</u></p> <p>Provisionally agreed at interinstitutional technical meetings.</p>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (5), introductory part (Article 7)					
48	(5) Article 7 is amended as follows:	(5) Article 7 is amended as follows:	(5) Article 7 is amended as follows:	(5) Article 7 is amended as follows:	
Article 1, first paragraph, point (5)(a), introductory part, amending provision (Article 7)					
49	(a) the title is replaced by the following:	(a) the title is replaced by the following:	(a) the title is replaced by the following:	(a) the title is replaced by the following:	
Article 1, first paragraph, point (5)(b), title, amending provision (Article 7)					
50	Additional use of net removals from LULUCF	Additional use of net removals from LULUCF	Additional use of net removals from LULUCF	Additional use of net removals from LULUCF	
Article 1, first paragraph, point (5)(b), introductory part (Article 7)					
51	(b) paragraph 1 is amended as follows:	(b) paragraph 1 is amended as follows:	(b) paragraph 1 is amended as follows:	(b) paragraph 1 is amended as follows:	
Article 1, first paragraph, point (5)(b)(i) (Article 7)					
52	(i) the introductory sentence is replaced by the following:	(i) the introductory sentence is replaced by the following:	(i) the introductory sentence is replaced by the following:	(i) the introductory sentence is replaced by the following:	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (5)(b)(i), amending provision (Article 7)					
53	To the extent that a Member State's greenhouse gas emissions exceed its annual emission allocations for a given year, including any annual emission allocations banked pursuant to Article 5(3) of this Regulation, a quantity up to the sum of total net removals and total net emissions from the combined land accounting categories included in the scope of Regulation (EU) 2018/841, may be taken into account for its compliance under Article 9 of this Regulation for that year, provided that:.	To the extent that a Member State's greenhouse gas emissions exceed its annual emission allocations for a given year, including any annual emission allocations banked pursuant to Article 5(3) of this Regulation, a quantity up to the sum of total net removals and total net emissions from the combined land accounting categories included in the scope of Regulation (EU) 2018/841, may be taken into account for its compliance under Article 9 of this Regulation for that year, provided that:.	'To the extent that a Member State's greenhouse gas emissions exceed its annual emission allocations for a given year, including any annual emission allocations banked pursuant to Article 5(3) of this Regulation, a quantity up to the sum of total net removals and total net emissions from the combined land accounting categories included in the scope of Regulation (EU) 2018/841, may be taken into account for its compliance under Article 9 of this Regulation for that year, provided that:.'	To the extent that a Member State's greenhouse gas emissions exceed its annual emission allocations for a given year, including any annual emission allocations banked pursuant to Article 5(3) of this Regulation, a quantity up to the sum of total net removals and total net emissions from the combined land accounting categories included in the scope of Regulation (EU) 2018/841, may be taken into account for its compliance under Article 9 of this Regulation for that year, provided that:.	
Article 1, first paragraph, point (5)(b)(ii), introductory part (Article 7)					
54	(ii) point (a) is replaced by	(ii) point (a) is replaced by	(ii) point (a) is replaced by	(ii) point (a) is replaced by	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	the following:	the following:	the following:	the following:	
Article 1, first paragraph, point (5)(b)(ii), amending provision (Article 7)					
55	(a) the cumulative quantity taken into account for that Member State for the years 2021 to 2025 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;	(a) the cumulative quantity taken into account for that Member State for the years 2021 to 2025 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;	(a) the cumulative quantity taken into account for that Member State for the years 2021 to 2025 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;	(a) the cumulative quantity taken into account for that Member State for the years 2021 to 2025 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;	
Article 1, first paragraph, point (5)(b)(ii), amending provision (Article 7)					
56	(aa) the cumulative quantity taken into account for that Member State for the years 2026 to 2030 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;.	(aa) the cumulative quantity taken into account for that Member State for the years 2026 to 2030 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;.	(aa) the cumulative quantity taken into account for that Member State for the years 2026 to 2030 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;.	(aa) the cumulative quantity taken into account for that Member State for the years 2026 to 2030 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;.	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (5)(b)(iii), amending provision (Article 7)					
57	(iii) paragraph 2 is deleted.	(iii) paragraph 2 is deleted.	(iii) paragraph 2 is deleted.	(iii) paragraph 2 is deleted.	
Article 1, first paragraph, point (5a), introductory part, amending provision (Article 8)					
57a		<u>(5a) Article 8 is replaced by the following:</u>		<u>(5a) Article 8 is replaced by the following:</u>	
Article 1, first paragraph, point (5a), amending provision (Article 8, title)					
57b		" <u>Article 8</u> <u>Corrective action</u>		" <u>Article 8</u> <u>Corrective action</u> Changes to Article 8 provisionally agreed at interinstitutional technical meetings (rows 57a-57g and 57k-57m).	
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57c		<u>1. If the Commission finds, in its annual</u>		<u>1. If the Commission finds, in its annual</u>	In substance only limited

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>assessment under Article 29 of Regulation (EU) 2018/1999 and taking into account the intended use of the flexibilities referred to in Articles 5, 6 and 7 of this Regulation, that a Member State is not making sufficient progress towards meeting its obligations under Article 4 of this Regulation, that Member State shall, within three months, submit to the Commission a corrective action plan that includes:</i></u>		<u><i>assessment under Article 29 of Regulation (EU) 2018/1999* of the European Parliament and of the Council and taking into account the intended use of the flexibilities referred to in Articles 5, 6 and 7 of this Regulation, that a Member State is not making sufficient progress towards meeting its obligations under Article 4 of this Regulation, that Member State shall, within three months, submit to the Commission a corrective action plan that includes:</i></u>	additional information requests building on the current Regulation.
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57d		<u><i>(-a) a detailed explanation identifying the reasons for which the Member State is failing to make sufficient progress towards meeting its obligations under Article 4 of this</i></u>		<u><i>(-a) a detailed explanation of why it is not making sufficient progress towards meeting those obligations;</i></u>	Addition to current Regulation

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>Regulation;</u>			
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57e		<u>(-ab) the total amount of Union funding the Member State has received for spending and investments related to climate and the green transition, how the use of that funding has contributed to meeting its obligations under Article 4 of this Regulation, and how it intends to use such funding for the purpose of meeting those obligations;</u>		<u>(-ab) an assessment of how Union funding has supported its efforts towards meeting those obligations and of how it intends to use such funding to progress towards meeting them;</u>	Addition to current Regulation
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57f		<u>(a) additional actions that the Member State shall implement in order to meet its specific obligations under Article 4 of this Regulation, through domestic policies and measures and the</u>		<u>(a) additional actions, complementing the integrated national energy and climate plan of that Member State pursuant to Regulation (EU) 2018/1999 or reinforcing its implementation, that it</u>	Building on existing language from current Regulation + addition on complementing actions and assessment

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>implementation of Union action;</u>		<u>is to implement in order to meet those obligations, through domestic policies and measures and the implementation of Union action, accompanied by a detailed assessment, underpinned by quantitative data where available, of the envisaged greenhouse gas emission reductions resulting from those actions;</u>	
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57g		<u>(b) a strict timetable for implementing such actions, which enables the assessment of annual progress in implementation; where a Member State has established a national climate advisory body, it shall seek the advice of this body to identify necessary actions;</u>		<u>(b) a strict timetable for implementing such actions, which enables the assessment of annual progress in implementation.</u> <u>Where a Member State has established a national climate advisory body, it may seek the advice to identify the necessary actions referred to in point</u>	First part: No change to current Regulation. Second part on possibility to seek advice: Addition to current Regulation.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
				(a).	
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57h		(ba) a statement of the quantity of additional emission reductions which the Member State estimates will be achieved by those policies and the method used to estimate those additional emission reductions;			
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57i		(bb) how the corrective action plan will strengthen the Member State's integrated national energy and climate plan adopted under Regulation (EU) 2018/1999.			
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57j		1a. If a Member State exceeds its annual			

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u><i>emission allocation in two or more consecutive years it shall undertake a review of its integrated national energy and climate plan and its long-term strategy under Regulation (EU) 2018/1999. The Member State shall complete that review within 6 months. The Commission shall issue recommendations identifying how the integrated national energy and climate plan or national long-term strategy, or both, is to be revised. The Member State shall notify the revised plans to the Commission together with a statement setting out how the proposed revisions are to remedy non-compliance with the its annual emission allocations and how it has responded to the Commission's recommendations where relevant. If the integrated</i></u></p>			

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>national energy and climate plan or long-term strategy remains substantially unaltered, the Member State shall publish an explanation setting out its reasoning.</i></u>			
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57k		<u><i>2. In accordance with its annual work programme, the European Environment Agency and the Scientific Advisory Board on Climate Change established in Article 3 of Regulation (EU) 2021/1119 shall assist the Commission in its work to assess any corrective action plans.</i></u>		<u><i>2. In accordance with its annual work programme, the European Environment Agency shall assist the Commission in its work to assess any such corrective action plans.</i></u>	No change to current Regulation.
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57l		<u><i>3. The Commission shall issue an opinion regarding the robustness of the corrective action plans</i></u>		<u><i>3. The Commission may issue an opinion regarding the robustness of the corrective action plans</i></u>	Except for last sentence, text of existing Regulation.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<i><u>submitted in accordance with paragraph 1 and shall in that case do so within four months of receipt of those plans. The Member State concerned shall take utmost account of the Commission's opinion and shall revise its corrective action plan. If the Member State concerned does not address the recommendation or a substantial part thereof, that Member State shall provide a justification to the Commission.</u></i>		<i><u>submitted in accordance with paragraph 1 and shall in that case do so within four months of receipt of those plans. The Member State concerned shall take utmost account of the Commission's opinion and may revise its corrective action plan accordingly. If the Member State concerned does not address the opinion or a substantial part thereof, that Member State shall provide a justification to the Commission.</u></i>	
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57m		<i><u>3a. The corrective action plans and Commission opinions as well as answers and justifications received from Member States referred to in paragraphs 1, 1a and 3 shall be accessible to the public.</u></i>		<i><u>3a. Each Member State shall make its corrective action plan referred to in paragraph 1 and any justification referred to in paragraph 3 publicly available. The Commission shall make its opinion referred to in paragraph 3</u></i>	Addition to current Regulation.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
				publicly available.	"
Article 1, first paragraph, point (5a), amending provision (Article 8)					
57n		<u><i>3b. When updating their integrated national energy and climate plan under Article 14 of Regulation EU (2018)1999, Member States shall make references to their corrective action plans pursuant to paragraphs 1 and 1a and any opinions issued by the Commission under this Article, as appropriate.</i></u>	"		Addition to current Regulation.
Article 1, first paragraph, point (6), introductory part (Article 9)					
58	(6) In Article 9, paragraph 2 is replaced by the following:	(6) In Article 9, paragraph 2 is replaced by the following:	(6) In Article 9, paragraph 2 is replaced by the following:	(6) In Article 9, paragraph 2 is replaced by the following:	
Article 1, first paragraph, point (6), amending provision (Article 9)					
59					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	<p>2. If the greenhouse gas emissions of a Member State in the period from 2021 to 2025 referred to in Article 4 of Regulation (EU) 2018/841 exceeded its removals, as determined in accordance with Article 12 of that Regulation, the Central Administrator shall deduct from that Member State's annual emission allocations an amount equal to those excess greenhouse gas emissions in tonnes of CO₂ equivalent for the relevant years..</p>	<p>2. If the greenhouse gas emissions of a Member State in <i>either</i> the period from 2021 to 2025 <i>or the period from 2026 to 2030</i> referred to in Article 4 of Regulation (EU) 2018/841 exceeded its removals, as determined in accordance with Article 12 of that Regulation, the Central Administrator shall deduct from that Member State's annual emission allocations an amount equal to those excess greenhouse gas emissions in tonnes of CO₂ equivalent for the relevant years..</p>	<p>2. If the greenhouse gas emissions of a Member State in the period from 2021 to 2025 referred to in Article 4 of Regulation (EU) 2018/841 exceeded its removals, as determined in accordance with Article 12 of that Regulation, the Central Administrator shall deduct from that Member State's annual emission allocations an amount equal to those excess greenhouse gas emissions in tonnes of CO₂CO₂ equivalent for the relevant years.'.</p>		<p>EP amendment not acceptable. Linked to discussion on governance of targets in the LULUCF proposal.</p>
Article 1, first paragraph, point (7), introductory part (Article 11a)					
60	(7) The following article is inserted:	(7) The following article is inserted:	(7) The following article is inserted:		See row below
Article 1, first paragraph, point (7), amending provision (Article 11a)					
61					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	Article 11a	Article 11a	Article 11a		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a, title)					
62	Additional reserve	Additional reserve	Additional reserve		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
63	1. If, by 2030, the Union has reduced net greenhouse gas emissions by at least 55% compared to 1990 levels in compliance with Article 3 of Regulation (EU) 2021/1119 of the European Parliament and of the Council**, and taking into account the maximum limit of the contribution of net removals, an additional reserve shall be established in the Union Registry.	1. If, by 2030, the Union has reduced net greenhouse gas emissions by at least 55% compared to 1990 levels in compliance with Article 3 of Regulation (EU) 2021/1119 of the European Parliament and of the Council**, and taking into account the maximum limit of the contribution of net removals, an additional reserve shall be established in the Union Registry.	1. If, by 2030, the Union has reduced net greenhouse gas emissions by at least 55% compared to 1990 levels in compliance with Article 34 of Regulation (EU) 2021/1119 of the European Parliament and of the Council**, and taking into account the maximum limit of the contribution of net removals, an additional reserve shall be established in the Union Registry.		EP amendment deleting Article 11a not acceptable. Maintain General Approach

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (7), amending provision (Article 11a)					
64	2. Member States which decide to neither contribute nor benefit from the additional reserve shall notify their decision to the Commission no later than six months after the entry into force of this Regulation.	2. <i>Member States which decide to neither contribute nor benefit from the additional reserve shall notify their decision to the Commission no later than six months after the entry into force of this Regulation.</i>	2. Member States which decide to neither contribute to nor benefit from the additional reserve shall notify their decision to the Commission no later than six twelve months after the date of entry into force of this amending Regulation.		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
65	3. The additional reserve shall consist of the net removals that participating Member States have generated in the period 2026 to 2030 in excess of their respective targets pursuant to Regulation (EU) 2018/841, after deduction of both of the following:	3. <i>The additional reserve shall consist of the net removals that participating Member States have generated in the period 2026 to 2030 in excess of their respective targets pursuant to Regulation (EU) 2018/841, after deduction of both of the following:</i>	3. The additional reserve shall consist of the net removals that participating Member States have generated in the period from 2026 to 2030 in excess of their respective targets pursuant to Regulation (EU) 2018/841, after deduction of both of the following:		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
66	(a) any flexibilities used under Articles 11 to 13b of Regulation (EU) 2018/841;	(a) any flexibilities used under Articles 11 to 13b of Regulation (EU) 2018/841;	(a) any flexibilities used under Articles 11 to 13b of Regulation (EU) 2018/841; and		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
67	(b) the quantities taken into account for compliance pursuant to Article 7 of this Regulation.	(b) the quantities taken into account for compliance pursuant to Article 7 of this Regulation.	(b) the quantities taken into account for compliance pursuant to Article 7 of this Regulation.		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
68	4. If an additional reserve is set up pursuant to paragraph 1, a participating Member State may benefit from it if the following conditions are fulfilled:	4. If an additional reserve is set up pursuant to paragraph 1, a participating Member State may benefit from it if the following conditions are fulfilled:	4. If an additional reserve is set up pursuant to paragraph 1, a participating Member State may benefit from it if the following conditions are fulfilled:		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
69	(a) the greenhouse gas emissions of the Member State exceed its annual	(a) the greenhouse gas emissions of the Member State exceed its annual	(a) the greenhouse gas emissions of the that Member State exceed its		EP amendment deleting Article 11a not acceptable.

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	emission allocations in the period from 2026 to 2030;	emission allocations in the period from 2026 to 2030;	annual emission allocations in the period from 2026 to 2030;		Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
70	(b) the Member State has exhausted the flexibilities pursuant to Article 5(2) and (3);	(b) the Member State has exhausted the flexibilities pursuant to Article 5(2) and (3);	(b) that Member State has exhausted the flexibilities pursuant to Article 5(2) and (3);		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
71	(c) the Member State has made the maximum use possible of net removals in accordance with Article 7, even if that quantity does not reach the level set in Annex III; and	(c) the Member State has made the maximum use possible of net removals in accordance with Article 7, even if that quantity does not reach the level set in Annex III; and	(c) that Member State has made the maximum use possible of net removals in accordance with Article 7, even if that the quantity of those net removals does not reach the level set in Annex III; and .		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7), amending provision (Article 11a)					
72	(d) the Member State has made no net transfers to other Member States under Article 5.	(d) the Member State has made no net transfers to other Member States under Article 5.	<i>deleted</i>		Maintain General Approach

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
<i>Article 1, first paragraph, point (7), amending provision (Article 11a)</i>					
73	5. If a Member States fulfils the conditions set out in paragraph 4, it shall receive an additional quantity from the additional reserve up to its shortfall to be used for compliance under Article 9.	5. If a Member States fulfils the conditions set out in paragraph 4, it shall receive an additional quantity from the additional reserve up to its shortfall to be used for compliance under Article 9.	5. If a Member StatesState fulfils the conditions set out in paragraph 4 of this Article , it shall receive an additional quantity from the additional reserve up to its shortfall to be used for compliance under Article 9 after deduction of any net transfers to other Member States under Article 5.		EP amendment deleting Article 11a not acceptable. Maintain General Approach
<i>Article 1, first paragraph, point (7), amending provision (Article 11a)</i>					
74	If the resulting collective quantity to be received by all of the Member States which fulfil the conditions set out in paragraph 4 of this Article exceeds the quantity allocated to the additional reserve under paragraph 3 of this Article, the quantity to be received by each of those Member	If the resulting collective quantity to be received by all of the Member States which fulfil the conditions set out in paragraph 4 of this Article exceeds the quantity allocated to the additional reserve under paragraph 3 of this Article, the quantity to be received by each of those Member	If the resulting collective quantity to be received by all of the Member States which fulfil the conditions set out in paragraph 4 of this Article exceeds the quantity allocated to the additional reserve under paragraph 3 of this Article, the quantity to be received by each of those Member		EP amendment deleting Article 11a not acceptable. Maintain General Approach

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
	States shall be reduced on a pro rata basis.’	States shall be reduced on a pro rata basis.’	States shall be reduced on a pro rata basis.’		
Article 1, first paragraph, point (7), amending provision (Article 11a, footnote)					
75	** Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) (OJ L 243, 9.7.2021, p. 1).	** Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) (OJ L 243, 9.7.2021, p. 1).	** Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) (OJ L 243, 9.7.2021, p. 1).		EP amendment deleting Article 11a not acceptable. Maintain General Approach
Article 1, first paragraph, point (7a), introductory part (Article 12)					
75a			(7a) Article 12 is amended as follows:		
Article 1, first paragraph, point (7a)(a), amending provision (Article 12)					
75b			(a) in point (d), the word "and" is deleted;		Technical correction

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (7a)(b), amending provision (Article 12)					
75c			(b) in point (e), the full stop is replaced by a semicolon;		Technical correction
Article 1, first paragraph, point (7a)(c), amending provision (Article 12)					
75d			(c) the following point is inserted:		See row below
Article 1, first paragraph, point (7a)(c), amending provision (Article 12)					
75e			(ea) the additional reserve under Article 11a.'		Consequential change following insertion of Article 11a
Article 1, first paragraph, point (7b), introductory part (Article 15)					
75f		<u>(7b) Article 15 is replaced by the following:</u>	(7b) In Article 15, paragraph 2 is replaced by the following:	<u>(7b) Article 15 is replaced by the following:</u> Changes to Article 15 provisionally agreed at interinstitutional technical	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
				meetings.	
Article 1, first paragraph, point (7b), amending provision (Article 15, title)					
75g		" Article 15 Review		" Article 15 Review	
Article 1, first paragraph, point (7b), amending provision (Article 15)					
75h		1. This Regulation shall be kept under review taking into account, inter alia, evolving national circumstances, the manner in which all sectors of the economy contribute to the reduction of greenhouse gas emissions, international developments and efforts undertaken to achieve the long-term objectives of the Paris Agreement and Regulation (EU) 2021/1119.		1. This Regulation shall be kept under review taking into account, inter alia, evolving national circumstances, the manner in which all sectors of the economy contribute to the reduction of greenhouse gas emissions, international developments and efforts undertaken to achieve the long-term objectives of the Paris Agreement and Regulation (EU) 2021/1119.	
Article 1, first paragraph, point (7b), amending provision (Article 15)					
75i					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u><i>2. The Commission shall submit a report to the European Parliament and to the Council, within six months of each global stocktake agreed under Article 14 of the Paris Agreement, on the operation of this Regulation, including the balance between supply and demand for annual emission allocations, as well as on the contribution of this Regulation to the Union's climate-neutrality objective and the Union's intermediate climate targets pursuant to Articles 2 and 4 of Regulation (EU) 2021/1119 and its contribution to the goals of the Paris Agreement, in particular with regard to the need for additional Union policies and measures in view of the necessary greenhouse gas emission reductions by the Union and its Member</i></u></p>	<p>"</p> <p>2. The Commission shall submit a report to the European Parliament and to the Council, within six months of each global stocktake agreed under Article 14 of the Paris Agreement, on the operation of this Regulation, including the balance between supply and demand for annual emission allocations, as well as on the contribution of this Regulation to the Union's overall 2030 greenhouse gas emission reduction target, its contribution to the objective of climate neutrality within the Union at the latest by 2050, and its contribution to the goals of the Paris Agreement, in particular with regard to the need for additional Union policies and measures in view of the necessary</p>	<p><u><i>2. The Commission shall submit a report to the European Parliament and to the Council, within six months of each global stocktake agreed under Article 14 of the Paris Agreement, on the operation of this Regulation, including the balance between supply and demand for annual emission allocations, as well as on the suitability of the national targets contained in Annex I of this Regulation as regards their contribution to the Union's climate objectives pursuant to Regulation (EU) 2021/1119 and to the goals of the Paris Agreement. The report shall in particular assess the need for additional Union policies and measures in view of the necessary greenhouse gas emission reductions by the Union and its Member</i></u></p>	<p>"</p>

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u>States, including a post-2030 framework, and may make proposals if appropriate.</u></p>	<p>greenhouse gas emission reductions by the Union and its Member States, including a post-2030 framework, and may make proposals if appropriate.</p>	<p><u>States in a post-2030 framework. It shall assess a reduction pathway for the greenhouse gas emissions covered by this Regulation that is compatible with the objective of climate neutrality at the latest by 2050 taking into account the projected indicative Union greenhouse gas budget referred to in Article 4(4) of Regulation (EU) 2021/1119 as well as the importance of promoting both fairness and solidarity among Member States and cost-effectiveness in achieving this objective. The report may be accompanied by legislative proposals if appropriate.</u></p> <p>Provisionally agreed at interinstitutional technical level.</p>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (7b) , amending provision (Article 15)					
75j		<u><i>Those reports shall take into account the strategies prepared pursuant to Article 15 of Regulation (EU) No 2018/1999 with a view to contributing to the formulation of a long-term Union strategy.</i></u>	Those reports shall take into account the strategies prepared pursuant to Article 4 of Regulation (EU) No 525/2013 with a view to contributing to the formulation of a long-term Union strategy.?’	<u><i>Those reports shall take into account the long-term strategies of Member States prepared and submitted pursuant to Article 15(1) of Regulation (EU) No 2018/1999 and the assessment thereof made by the Commission pursuant to Article 15(9) of that Regulation.</i></u>	
Article 1, first paragraph, point (7c), introductory part (Article 15a)					
75k		<u><i>(7c) The following article is inserted:</i></u>			
Article 1, first paragraph, point (7c), amending provision (Article 15a, title)					
75l		<u><i>Article 15a</i></u> " <u><i>Alignment with Union and Member State climate-neutrality objective</i></u>		EP amendment for a new Article 15a dropped as part of the provisional agreement on Article 15 at interinstitutional technical meetings.	
Article 1, first paragraph, point (7c), amending provision (Article 15a)					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
75m		<u><i>1. By the adoption of the legislative act establishing the Union's 2040 climate target pursuant to Article 4(3) of Regulation (EU) 2021/1119, the Commission shall submit a report to the European Parliament and the Council which sets out:</i></u>			see above
Article 1, first paragraph, point (7c), amending provision (Article 15a)					
75n		<u><i>(a) the suitability of the current national targets under Annex I of this Regulation as regards their contribution to achieving the objective of climate neutrality by 2050 at the latest under Regulation (EU) 2021/1119 in a cost-effective and fair manner;</i></u>			see above
Article 1, first paragraph, point (7c), amending provision (Article 15a)					
75o		<u><i>(b) a reduction pathway</i></u>			

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>for each Member State of the greenhouse gas emissions covered by this Regulation that is compatible with the objective of climate neutrality for each Member State by 2050 at the latest.</i></u>			see above
Article 1, first paragraph, point (7c), amending provision (Article 15a)					
75p		<u><i>2. Within six months of the publication of the report referred to in paragraph 1, the Commission shall make proposals to limit greenhouse gas emissions for the sectors covered by this Regulation. Those proposals shall ensure the cost-effective and fair distribution of reduction efforts across the Union based on the reduction pathways referred to in paragraph 1, point (b).</i></u>			see above

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (7d), introductory part, amending provision (Article 15b)					
75q		<u>(7d) The following article is inserted:</u>			
Article 1, first paragraph, point (7d), amending provision (Article 15b, title)					
75r		" <u>Article 15b</u> <u>Access to justice</u>			EP amendment for a new article is not acceptable. Inclusion in ESR not appropriate in terms of focus, scope, and implementation for political, legal and practical reasons.
Article 1, first paragraph, point (7d), amending provision (Article 15b)					
75s		<u>1. Member States shall ensure that, in accordance with their national legal system, members of the public concerned who meet the conditions set out in paragraph 2, including natural or legal persons or their associations,</u>			EP amendment not acceptable (see above)

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<p><u>organisations or groups, have access to a review procedure before a court of law, or another independent and impartial body established by law, to challenge the substantive or procedural legality of decisions, acts and omissions:</u></p> <p><u>(a) that fail to comply with the legal obligations provided for in Articles 4 to 8 of this Regulation; or</u></p> <p><u>(b) that are subject to Article 10 of Regulation (EU) 2018/1999.</u></p> <p><u>For the purposes of this paragraph, an act or omission that fails to comply with legal obligations arising under Articles 4 or 8 includes an act or omission with respect to a policy or measure adopted for the purposes of implementing</u></p>			

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>those obligations, where that policy or measure fails to make a sufficient contribution to such implementation.</i></u>			
Article 1, first paragraph, point (7d), amending provision (Article15b)					
75t		<u><i>2. Members of the public concerned shall be deemed to meet the conditions referred to in paragraph 1 where:</i></u> <u><i>(a) they have sufficient interest; or</i></u> <u><i>(b) they maintain impairment of a right, where administrative procedural law of a Member State requires that as a precondition.</i></u> <u><i>What constitutes a sufficient interest shall be determined by Member States consistently with the objective of giving the</i></u>			EP amendment not acceptable (see above)

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<i><u>members of the public concerned wide access to justice and in conformity with the Aarhus Convention. To that end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have sufficient interest for the purposes of this paragraph.</u></i>			
Article 1, first paragraph, point (7d), amending provision (Article 15b)					
75u		<i><u>3. Paragraphs 1 and 2 shall not exclude the possibility of being able to have recourse to a preliminary review procedure before an administrative authority and shall not affect the requirement to exhaust administrative review procedures prior to having recourse to judicial review</u></i>			EP amendment not acceptable (see above)

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u><i>procedures, where such a requirement exists under national law. Any such procedure shall be fair, equitable, timely and not prohibitively expensive.</i></u>			
Article 1, first paragraph, point (7d), amending provision (Article 15b)					
75v		<u><i>4. Member States shall ensure that practical information is made easily available to the public on access to administrative and judicial review procedures.</i></u>	"		EP amendment not acceptable (see above)
Article 1, first paragraph, point (7e), introductory part, amending provision (Article 16a)					
75w		<u><i>(7e) The following article is inserted:</i></u>		<u><i>(7e) The following article is inserted:</i></u>	
Article 1, first paragraph, point (7e), amending provision (Article 16a, title)					
75x		" <u><i>Article 16a</i></u> <u><i>Scientific advice regarding</i></u>		New article provisionally agreed in interinstitutional	Council: Suggestion for title:

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>ESR/CARE sectors</u>		technical meetings. See also recital 16a.	"Article 16a Scientific advice" No need to specify separately the sectors concerned by the provision.
Article 1, first paragraph, point (7e), amending provision (Article 16a)					
75y		<u>In line with its mandate set out under Article 3(2) of Regulation (EU) 2021/1119, the European Scientific Advisory Board on Climate Change (ESABCC) shall be invited, on its own initiative, to provide scientific advice and issue reports on the trajectory of this Regulation, annual emissions levels and flexibilities, and their consistency with the climate objectives, in particular with a view to informing any subsequent revision of the this Regulation. The Commission shall take due</u>		" <u>The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 (the "Advisory Board") may, on its own initiative, provide scientific advice or issue reports on Union measures, climate targets, annual emissions levels and flexibilities under this Regulation. The Commission shall consider the relevant advice and reports of the Advisory Board, in particular as regards future measures aiming at further greenhouse gas emission</u>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
		<u>account of the ESABCC's advice or publicly justify the reasons for disregarding it.</u>	"	<u>reductions in the sectors covered by this Regulation.</u> "	
Article 1, first paragraph, point (8), amending provision (Annex I)					
76	(8) Annex I to Regulation (EU) 2018/842 is replaced by the text in the Annex to this Regulation;	(8) Annex I to Regulation (EU) 2018/842 is replaced by the text in the Annex to this Regulation;	(8) Annex I to Regulation (EU) 2018/842 is replaced by the text in the Annex to this Regulation;		No substantial change proposed to Commission proposal by EP or Council
Article 1, first paragraph, point (9), introductory part, amending provision (Annex II)					
77	(9) In Annex II the entry for Malta is replaced by the following:	(9) In Annex II the entry for Malta is replaced by the following:	(9) In Annex II–, the entry for Malta is replaced by the following:	(9) In Annex II the entry for Malta is replaced by the following:	
Article 1, first paragraph, point (9), Table 1, Column 1, Row 1 (Annex II)					
78					
Article 1, first paragraph, point (9), Table 1, Column 1, Row 2 (Annex II)					
79	“Malta	“Malta	“Malta	“Malta	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (9), Table 1, Column 2, Row 1 (Annex II)					
80	Maximum percentage of 2005 greenhouse gas emissions determined in accordance with Article 4(3)	Maximum percentage of 2005 greenhouse gas emissions determined in accordance with Article 4(3)	Maximum percentage of 2005 greenhouse gas emissions determined in accordance with Article 4(3)	Maximum percentage of 2005 greenhouse gas emissions determined in accordance with Article 4(3)	
Article 1, first paragraph, point (9), Table 1, Column 2, Row 2 (Annex II)					
81	7%”	7%”	7%”	7%”	
Article 1, first paragraph, point (10), introductory part (Annex III)					
82	(10) The title of Annex III is replaced by the following:	(10) The title of Annex III is replaced by the following:	(10) The title of Annex III is replaced by the following amended as follows:		Council: Technical change
Article 1, first paragraph, point (10), amending provision (Annex III)					
82a			(a) The title of Annex III is replaced by the following:		Council: Technical change

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1, first paragraph, point (10), amending provision (Annex III, title)					
83	‘ TOTAL NET REMOVALS FROM THE CATEGORIES OF LAND COVERED BY REGULATION (EU) 2018/841 THAT MEMBER STATES MAY TAKE INTO ACCOUNT FOR COMPLIANCE FOR THE PERIOD 2021 TO 2030 PURSUANT TO POINT (a) OF ARTICLE 7(1) OF THIS REGULATION ,	‘ TOTAL NET REMOVALS FROM THE CATEGORIES OF LAND COVERED BY REGULATION (EU) 2018/841 THAT MEMBER STATES MAY TAKE INTO ACCOUNT FOR COMPLIANCE FOR THE PERIOD 2021 TO 2030 PURSUANT TO POINT (a) OF ARTICLE 7(1) OF THIS REGULATION ,	‘TOTAL NET REMOVALS FROM THE CATEGORIES OF LAND COVERED BY REGULATION (EU) 2018/841 THAT MEMBER STATES MAY TAKE INTO ACCOUNT FOR COMPLIANCE FOR THE PERIOD 2021 TO 2030 PURSUANT TO POINT (a) POINTS (a) and (aa) OF ARTICLE 7(1) OF THIS REGULATION’;		Council: Technical change
Article 1, first paragraph, point (10), amending provision (Annex III)					
83a			(b) The entry for the United Kingdom is deleted;		Council: Technical correction
Article 1, first paragraph, point (10), amending provision (Annex III)					
83b			(c) In the last row of the		

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			table, "280" is replaced by "262,2".		Council: Technical correction
Article 1a, amending proposal					
83c			Article 2 Amendments to Regulation (EU) 2018/1999	<u>Article 1a Amendments to Regulation (EU) 2018/1999</u> New Article (rows 83d-83k) provisionally agreed at interinstitutional technical meetings in the context of compromise on transparency of transfers.	
Article 1a, amending proposal					
83d			Regulation (EU) 2018/1999 is amended as follows:	<u>Regulation (EU) 2018/1999 is amended as follows:</u>	
Article 1a, amending proposal					
83e			(a) In Article 26, paragraph 3 is replaced by the following:	<u>(a) In Article 26, paragraph 3 is replaced by the following:</u>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 1a, amending proposal					
83f			<p>3. From 2023, Member States shall determine and report to the Commission final greenhouse gas inventory data by 15 March each year (year X) and preliminary data by 15 January each year, including the greenhouse gases and the inventory information listed in Annex V. The report on the final greenhouse gas inventory data shall also include a complete and up-to-date national inventory report. Within three months of receiving the reports, the Commission shall make the information referred to in point (n) of Part I of Annex V available in electronic form to the Climate Change</p>	<p><u>(3) From 2023, Member States shall determine and report to the Commission final greenhouse gas inventory data by 15 March each year (year X) and preliminary greenhouse gas inventory data by 15 January each year, including the greenhouse gases and the inventory information listed in Annex V. The report on the final greenhouse gas inventory data shall also include a complete and up-to-date national inventory report. Within three months of receiving the reports, the Commission shall make the information referred to in point (n) of the first paragraph of Part I of Annex V available in electronic form to the</u></p>	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
			Committee referred to in point (a) of Article 44(1).’;	<u>Climate Change Committee referred to in point (a) of Article 44(1).</u>	
Article 1a, amending proposal					
	83g		(b) In Annex V, Part 1, point (n) is replaced by the following:	<u>(b) In Annex V, Part 1, point (n) is replaced by the following:</u>	
Article 1a, amending proposal					
	83h		(n) information of:	<u>(n) information on:</u>	
Article 1a, amending proposal					
	83i		i. the Member State's intentions to make use of the flexibilities in Article 5(4) and (5) of Regulation (EU) 2018/842 including, where possible, information regarding quantities, type of transfer and estimated range of prices,	<u>i. the Member State's intentions to make use of the flexibilities referred to in Article 5(4) and (5) of Regulation (EU) 2018/842, including, where possible, information regarding quantities, type of transfer and estimated range of prices;</u>	
Article 1a, amending proposal					

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
83j			ii. the use of revenues under Article 5(6) of Regulation (EU) 2018/842,	<u>ii. the use of revenues under Article 5(6) of Regulation (EU) 2018/842;</u>	
Article 1a, amending proposal					
83k			iii. the Member State's intentions to make use of the flexibility in Article 7(1) of Regulation (EU) 2018/842.'	<u>iii. the Member State's intentions to make use of the flexibility referred to in Article 7(1) of Regulation (EU) 2018/842.</u>	
Article 2					
84	Article 2	Article 2	Article 2	Article 2	
Article 2, amending proposal					
85	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Article 2, amending proposal					
86	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula					
87	Done at Brussels,	Done at Brussels,	Done at Brussels... ,	Done at Brussels... ,	
Formula					
88	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament	
Formula					
89	The President	The President	The President	The President	
Formula					
90	For the Council	For the Council	For the Council	For the Council	

	Commission Proposal	EP Mandate	General approach 28 June 2022 Council Mandate	Draft Agreement	PCY comments/suggestions
Formula					
G	91	The President	The President	The President	

ANNEX to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement (Text with EEA relevance)**2021/0200 (COD)****COMMISSION PROPOSAL:****ANNEX**

MEMBER STATE GREENHOUSE GAS EMISSION REDUCTIONS PURSUANT TO ARTICLE 4(1)

	Member State greenhouse gas emission reductions in 2030 in relation to their 2005 levels determined in accordance with Article 4(3)	
	Column 1	Column 2
Belgium	- 35 %	-47%
Bulgaria	- 0 %	-10%
Czechia	- 14 %	-26%
Denmark	- 39 %	-50%
Germany	- 38 %	-50%
Estonia	- 13 %	-24%
Ireland	- 30 %	-42%
Greece	- 16 %	-22.7%
Spain	- 26 %	-37.7%
France	- 37 %	-47.5%
Croatia	- 7 %	-16.7%
Italy	- 33 %	-43.7%
Cyprus	- 24 %	-32%

Latvia	- 6 %	-17%
Lithuania	- 9 %	-21%
Luxembourg	- 40 %	-50%
Hungary	- 7 %	-18.7%
Malta	- 19 %	-19%
Netherlands	- 36 %	-48%
Austria	- 36 %	-48%
Poland	- 7 %	-17.7%
Portugal	- 17 %	-28.7%
Romania	- 2 %	-12.7%
Slovenia	- 15 %	-27%
Slovakia	- 12 %	-22.7%
Finland	- 39 %	-50%
Sweden	- 40 %	-50%

EP MANDATE:

(no amendments to Commission proposal)



COUNCIL MANDATE:**ANNEX I****MEMBER STATE GREENHOUSE GAS EMISSION REDUCTIONS PURSUANT TO
ARTICLE 4(1)**

	Member State greenhouse gas emission reductions in 2030 in relation to their 2005 levels determined in accordance with Article 4(3)	
	Column 1	Column 2
Belgium	- 35 %	-47%
Bulgaria	- 0 %	-10%
Czechia Czech Republic	- 14 %	-26%
Denmark	- 39 %	-50%
Germany	- 38 %	-50%
Estonia	- 13 %	-24%
Ireland	- 30 %	-42%
Greece	- 16 %	-22.7%
Spain	- 26 %	-37.7%
France	- 37 %	-47.5%
Croatia	- 7 %	-16.7%
Italy	- 33 %	-43.7%
Cyprus	- 24 %	-32%
Latvia	- 6 %	-17%
Lithuania	- 9 %	-21%
Luxembourg	- 40 %	-50%
Hungary	- 7 %	-18.7%
Malta	- 19 %	-19%
Netherlands	- 36 %	-48%
Austria	- 36 %	-48%

Poland	- 7 %	-17.7%
Portugal	- 17 %	-28.7%
Romania	- 2 %	-12.7%
Slovenia	- 15 %	-27%
Slovakia	- 12 %	-22.7%
Finland	- 39 %	-50%
Sweden	- 40 %	-50%
