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**COVER NOTE**

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 15 April 2025

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: C(2025) 2232 final

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Subject: COMMISSION DELEGATED DECISION (EU) .../... of 15.4.2025 on the unilateral inclusion of sectors by Finland in the emissions trading system within the Union for buildings, road transport and additional sectors pursuant to Article 30j of Directive 2003/87/EC of the European Parliament and of the Council

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Delegations will find attached document C(2025) 2232 final.

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Encl.: C(2025) 2232 final



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**COMMISSION DELEGATED DECISION (EU) .../...**

**of 15.4.2025**

**on the unilateral inclusion of sectors by Finland in the emissions trading system within the Union for buildings, road transport and additional sectors pursuant to Article 30j of Directive 2003/87/EC of the European Parliament and of the Council**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

The EU Emissions Trading System (EU ETS) is the cornerstone of the European Union's climate policy and the key tool for achieving the EU's objective of reducing greenhouse gas (GHG) emissions cost-effectively. As a result of the amendment of Directive 2003/87/EC of the European Parliament and of the Council (the ETS Directive) in 2023, a new emissions trading system (ETS 2) was established under Chapter IVa of that Directive. Its scope covers fuels used for combustion in buildings and in the road transport sector as well as in additional sectors which correspond to industrial activities not covered by Annex I of the ETS Directive. The activities covered by ETS 2 are defined under Annex III of the ETS Directive.

Article 30j of the ETS Directive allows Member States to unilaterally extend the scope of application of ETS 2 in their jurisdiction to sectors that are not listed under Annex I and Annex III of the ETS Directive and to apply emissions trading in those sectors. Article 30j further provides that the Commission is empowered to adopt a delegated act to approve the individual requests for extension, authorise the issue of additional allowances and authorise other Member States to extend the activity referred to in Annex III.

This empowerment provides the basis for the current delegated decision approving the request of Finland, submitted by letter of 19 December 2024, to unilaterally extend the new ETS 2 to the sectors listed in Annex to this act.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The Commission has informed the Member State representatives of the Commission Expert Group on Climate Change Policy ('CCEG') on ETS2 Implementation on the procedure and timeline of the approval of unilateral scope extension requests of the system in September 2023, December 2023, February 2024, September 2024, November 2024, and February 2025.

Finland notified a formal opt-in request by letter of 19 December 2024.

On 13 January 2025, the Commission services shared the draft delegated decision for consultation with the Member States representatives of the CCEG on ETS2 implementation.

On 13 January 2025, the proposed draft delegated decision was transmitted simultaneously to the European Parliament and the Council, for consultation, as provided for in the Common Understanding on Delegated Acts annexed to the Interinstitutional Agreement on Better Law Making.

The draft delegated decision was published on the Better Regulation portal for a four-week feedback period from 17 February until 17 March 2025. During this period, 5 contributions were received, out of which 1 was from a non-governmental organisation, 1 was from a company, 1 was from a business association and 2 were from EU citizens. The feedback relevant to the topic of the consultation contained similar information already put forward during discussions that have taken place within the Expert Group on Climate Change Policy. As a result, the Commission maintained the text of the delegated decision.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

This Commission delegated decision is adopted pursuant to Article 30j of the EU ETS Directive.

The legal effect of this act is threefold:

- (a) it approves the list of additional sectors to which Finland has decided to expand the application of the ETS 2;
- (b) it sets the start date of application of monitoring and reporting obligations for regulated entities supplying fuels in the sectors covered by the unilateral extension of scope; and
- (c) it authorises, as of 2027, the issue of the additional ETS 2 allowances corresponding to the greenhouse gas emissions generated by the sectors covered by this unilateral extension of scope.

# COMMISSION DELEGATED DECISION (EU) .../...

of 15.4.2025

## **on the unilateral inclusion of sectors by Finland in the emissions trading system within the Union for buildings, road transport and additional sectors pursuant to Article 30j of Directive 2003/87/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC<sup>1</sup>, and in particular Article 30j thereof,

Whereas:

1. Article 30j(1) of Directive 2003/87/EC of the European Parliament and of the Council provides Member States with the possibility, from 2027, to unilaterally extend the application of the emissions trading system within the Union ('EU ETS') for buildings, road transport and additional sectors, to sectors that are not listed in Annex III to Directive 2003/87/EC.
2. When availing themselves of this possibility, Member States are to take into account in particular the effects on the internal market, potential distortions of competition, the environmental integrity of the emissions trading system and the reliability of the planned monitoring and reporting system.
3. On 19 December 2024, Finland notified a request to expand the application of the emission trading system for buildings, road transport and additional sectors to a list of sectors not yet covered by Annex III to, or by Chapters II and III of, Directive 2003/87/EC.
4. The Finnish authorities explained that the inclusion of additional sectors would reduce the administrative burden and ease the reporting and monitoring processes for the regulated entities and the national competent authority. In addition, it would lead to a more uniform pricing of carbon dioxide among the sectors.
5. In the Commission's opinion, expanding the scope of the EU ETS beyond the list of activities listed under Annex III to Directive 2003/87/EC, as Finland has requested, would indeed have environmental benefits, and would bring about an administrative simplification for fuel suppliers acting as regulated entities in Finland.
6. On the basis of the reviewed greenhouse gas emissions data for the years 2016, 2017 and 2018 carried out in 2020, in accordance with Article 4(3) of Regulation (EU) 2018/842 of the European Parliament and of the Council<sup>2</sup>, the average total amount of emissions corresponding to the sectors notified by Finland in the context of this request for unilateral extension amounts to 1 179 206 tCO<sub>2</sub>. This amount will be

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<sup>1</sup> OJ L 275, 25/10/2003, p. 32, ELI: <http://data.europa.eu/eli/dir/2003/87/2024-03-01>.

<sup>2</sup> 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 commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19/06/2018, p. 26, ELI: <http://data.europa.eu/eli/reg/2018/842/2023-05-16>).

used as a basis for calculating the future amount of additional allowances to be issued as of 2027.

7. The Commission has assessed the reporting and monitoring methodologies planned by Finland and has concluded that these are reliable and in line with the requirements of Article 30j of Directive 2003/87/EC.
8. The excise duty system in place in Finland, particularly the distribution infrastructures, does not effectively allow regulated entities to differentiate the end use of fuels between, on the one hand, sectors already covered by Annex III to Directive 2003/87/EC and, on the other hand, the sectors concerned by this extension of scope. To facilitate cost-effective monitoring, reporting and verification of emissions and reduce the administrative burden linked with reporting associated with the scope factor in the annual emissions reports and the monitoring plans, regulated entities should not be required to distinguish the reporting of emissions in sectors concerned by the extension of scope from emissions in sectors already covered by Annex III to Directive 2003/87/EC.
9. In order to comply with the regular annual cycle for monitoring, reporting and verification of emissions in the new emissions trading system for buildings, road transport and additional sectors, it is appropriate for regulated entities to report verified emissions for the extended scope starting on 1 January 2025, in accordance with Article 30f(2) of Directive 2003/87/EC,

HAS ADOPTED THIS DECISION:

#### *Article 1*

##### **Scope of the unilateral extension approval**

The extension, in Finland, of the activity referred to in Annex III to Directive 2003/87/EC to the sectors listed in the Annex to this Decision is approved subject to the conditions listed in Article 3.

#### *Article 2*

##### **Authorisation of the issue of additional allowances**

Additional allowances shall be issued in 2027 on the basis of the average amount of total emissions of 1 179 206 tCO<sub>2</sub> reported by Finland for the sectors listed in the Annex to this decision for the years 2016, 2017 and 2018 in accordance with the rules set in Article 30c(1) of Directive 2003/87/EC.

#### *Article 3*

##### **Monitoring and reporting obligations**

Finland shall ensure that each regulated entity monitors and reports, in accordance with Article 30f(2) of Directive 2003/87/EC, to the competent authority, for each calendar year, the emissions corresponding to the quantities of fuels released for consumption in the sectors listed in the Annex to this Decision that have taken place from 1 January 2025.

*Article 4*

**Entry into force and application**

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 15.4.2025

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*