



Council of the  
European Union

Brussels, 20 April 2023  
(OR. en)

8359/23

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**Interinstitutional File:  
2021/0211/A(COD)**

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**CODEC 624  
CLIMA 200  
ENV 383  
ENER 192  
TRANS 148  
COMPET 339  
ECOFIN 350**

#### 'A' ITEM NOTE

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From: General Secretariat of the Council  
To: Council

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Subject: Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system  
**(first reading)**  
- Adoption of the legislative act

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1. On 14 July 2021, the Commission submitted its proposal<sup>1</sup>, based on Article 192(1), TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 8 December 2021<sup>2</sup>.
3. The European Committee of the Regions delivered its opinion on 28 April 2022<sup>3</sup>.
4. On 18 April 2023 the European Parliament adopted its position at first reading on the Commission proposal. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council<sup>4</sup>.

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<sup>1</sup> 10875/21 + ADD 1 to 7.

<sup>2</sup> OJ C 152, 6.4.2022, p. 175.

<sup>3</sup> OJ C 301, 5.8.2022, p. 116.

<sup>4</sup> 7980/23.

5. At its meeting on 19 April 2023 the Permanent Representatives Committee agreed to invite the Council to approve the European Parliament's position, as set out in PE-CONS 9/23, as an "A" item at a forthcoming meeting, with Hungary and Poland voting against and Belgium and Bulgaria abstaining.
6. The statements for the minutes of the Council meeting are set out in the Addendum to this note.
7. The Council is invited to approve the European Parliament's position at the first reading as set out in PE-CONS 9/23.
8. If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the Presidents of the European Parliament and of the Council, the legislative act will be published in the *Official Journal of the European Union*.

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