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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
Subject:	ETS Review (Benchmarks): WPE on 27 October 2026: Four-column table

With a view to the above WPE meeting, delegations will find attached the four-column table relevant to this file.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2003/87/EC as regards revised benchmark values for the heat and fuel benchmarks for the period from 2026 to 2030 (Text with EEA relevance)

2026/0211(COD)
Non-versioned [LATEST TEXT]
22-10-2026

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Formula				
1	2026/0211 (COD)	2026/0211 (COD)	2026/0211 (COD)	
Document Stage				
2	Proposal for a	Proposal for a	Proposal for a	
Document Type				
3	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	
Document Purpose				
4	amending Directive 2003/87/EC as regards revised benchmark values for the heat and fuel benchmarks for the period from 2026 to 2030	amending Directive 2003/87/EC as regards revised benchmark values for the heat and fuel benchmarks for the period from 2026 to 2030	amending Directive 2003/87/EC as regards revised benchmark values for the heat and fuel benchmarks for the period from 2026 to 2030	
EEA Relevance				
5	(Text with EEA relevance)	(Text with EEA relevance)	(Text with EEA relevance)	
Formula				
6	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				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
7	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				
8	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,	
Citation 3				
9	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				
10	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				
11	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				
12	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				
13	Whereas:	Whereas:	Whereas:	
Recital 1				

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
14	(1) Free allocation to installations in the system for greenhouse gas emission allowance trading within the Union (EU ETS) is determined based on harmonised Union-wide benchmarks reflecting the performance of the most efficient installations. The ex-ante Union-wide benchmarks are established in Annex I to Commission Delegated Regulation (EU) 2019/331[1]. The Commission updates the benchmark values for each five-year period for free allocation referred to in Article 11 of Directive 2003/87/EC in accordance with the rules laid down in Article 10a of that Directive. 1. Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8, ELI: http://data.europa.eu/eli/reg_del/2019/331/oj).	(1) Free allocation to installations in the system for greenhouse gas emission allowance trading within the Union (EU ETS) is determined based on harmonised Union-wide benchmarks reflecting the performance of the most efficient installations. The ex-ante Union-wide benchmarks are established in Annex I to Commission Delegated Regulation (EU) 2019/331[1]. The Commission updates the benchmark values for each five-year period for free allocation referred to in Article 11 of Directive 2003/87/EC in accordance with the rules laid down in Article 10a of that Directive. 1. Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8, ELI: http://data.europa.eu/eli/reg_del/2019/331/oj).	(1) Free allocation to installations in the system for greenhouse gas emission allowance trading within the Union (EU ETS) is determined based on harmonised Union-wide benchmarks reflecting the performance of the most efficient installations. The ex-ante Union-wide benchmarks are established in Annex I to Commission Delegated Regulation (EU) 2019/331[1]. The Commission updates the benchmark values for each five-year period for free allocation referred to in Article 11 of Directive 2003/87/EC in accordance with the rules laid down in Article 10a of that Directive. 1. Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8, ELI: http://data.europa.eu/eli/reg_del/2019/331/oj).	
Recital 2				
15	(2) To address concerns expressed by certain industrial sectors in the context of updating the benchmark values until 2030 and provide additional protection against the risk of carbon leakage, the quantity of	(2) To address concerns expressed by certain industrial sectors in the context of updating the benchmark values until 2030 and provide additional protection against the risk of carbon leakage, the quantity of	(2) To address concerns expressed by certain industrial sectors in the context of updating the benchmark values until 2030 and provide additional protection	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	allowances to be allocated for free for the period from 2026 to 2030, determined by the heat and fuel benchmarks ('fallback benchmarks'), should be increased. In order to do so, it is appropriate to adjust the maximum annual update rate applied for the fallback benchmarks by using the totality of the allowances available for free allocation in the period from 2026 to 2030 as laid down in Commission Decision XXX[1] [CSCF Decision], amounting to around 80 million allowances. In line with the targeted nature of this adjustment and the rules set out in in Commission Delegated Regulation (EU) 2019/331 on the determination of the annual amount of allowances allocated for free to installations, the additional free allocation resulting from the adjustment should only concern the amounts determined by the fallback benchmarks. 1. [please insert the full reference once available – CSCF Decision]	allowances to be allocated for free for the period from 2026 to 2030, determined by the heat and fuel benchmarks ('fallback benchmarks'), should be increased. In order to do so, it is appropriate to adjust the maximum annual update rate applied for the fallback benchmarks by using the totality of the allowances available for free allocation in the period from 2026 to 2030 as laid down in Commission Decision XXX[1] [CSCF Decision], amounting to around 80 million allowances***, as well as a third of the allowances that are not allocated in that period as a result of the reduction of free allocation under the third and fifth subparagraphs of Article 10a(1) of Directive 2003/87/EC, amounting to around 11 million allowances. Another third of those allowances, amounting to around 11 million allowances, should be transferred to the Modernisation Fund established under Article 10d of Directive 2003/87/EC and should be used to support investments, inter alia, in the modernisation of district heating systems. The last third should remain allocated to the Innovation Fund, established under Article 10a(8) of that Directive. The use of the additional allowances for free allocation***	against the risk of carbon leakage, the quantity of allowances to be allocated for free for the period from 2026 to 2030, determined by the heat and fuel benchmarks ('fallback benchmarks'), should be increased. In order to do so, it is appropriate to adjust the maximum annual update rate applied for the fallback benchmarks by using the totality of the allowances available for free allocation in the period from 2026 to 2030 as laid down in Commission Decision XXX[1] [CSCF Decision], amounting to around ~~80~~**88** million allowances**, as well as the allowances that are not allocated in that period as a result of the reduction of free allocation under the third and fifth subparagraphs of Article 10a(1) of Directive 2003/87/EC, amounting to around 33 million allowances. Article 10a(1), sixth subparagraph, of that Directive should be amended accordingly. The use of these additional allowances corresponds to an indicative 9% reduction of the fallback benchmarks compared to 2021-2025values, i.e. an indicative average value of 2026-2030 heat and fuel benchmarks of 43.0 and 38.7 allowances/TJ, respectively**. In line with the targeted nature of this adjustment	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		corresponds to an indicative 12,5 % reduction to the fallback benchmarks compared to the values for the period from 2021 to 2025, namely an indicative average value heat and fuel benchmarks for the period from 2026 to 2030 of 41,4 and 37,3 allowances/TJ, respectively. In line with the targeted nature of this adjustment and the rules set out in in Commission Delegated Regulation (EU) 2019/331 on the determination of the annual amount of allowances allocated for free to installations, the additional free allocation resulting from the adjustment should only concern the amounts determined by the fallback benchmarks. ***In specific cases, it is possible that the Union-wide ex-ante fuel benchmark do not adequately reflect the characteristics and emission performance of manufacturing processes within certain industrial sectors. Where significant discrepancies are clearly documented, sector-specific sub-benchmarks should be established to ensure that free allocation reflects the performance of the most efficient sub-installations within a sufficiently homogeneous peer group. To that end, with a view to already applying such sub-***	and the rules set out in in Commission Delegated Regulation (EU) 2019/331 on the determination of the annual amount of allowances allocated for free to installations, the additional free allocation resulting from the adjustment should only concern the amounts determined by the fallback benchmarks. _____ 1. [please insert the full reference once available – CSCF Decision]	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		benchmarks during the period from 2026 to 2030, the Commission should establish as soon as possible, by means of implementing acts, the updated sub-benchmark values for the relevant subsector, giving priority to installations whose economic activities fall within NACE codes 23.20 and 23.31 set out in Annex I to Regulation (EC) No 1893/2006. Those sub-benchmark values should be determined on the basis of the average greenhouse gas emission intensity of the 10 % most efficient installations in the respective sector, using the same reference period, dataset and methodology as the ex-ante fuel benchmark. _____ 1. [please insert the full reference once available – CSCF Decision]		
Recital 2a				
15a		***(2a) As a matter of principle, free allocation needs to be based on product benchmarks rather than inputs in order to maximise greenhouse gas emission reductions and energy-efficiency savings throughout the production process. It is therefore necessary to revise the rules for determining Union-wide ex-ante benchmarks, as the group of the 10 % most***		

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		efficient installations might not be sufficiently representative of the sector or subsector concerned in all cases, having regard to the technologies used, the nature and scale of the activity, the share of production covered and the number of installations and sub-installations forming the basis of the benchmark. The amendments to Directive 2003/87/EC seek to ensure the same requirement of representativeness apply to fallback approaches, including the heat and fuel benchmarks. It is therefore important that the determination of those benchmark values be conducted in a transparent manner, including as regards the selection rules, the methodology applied, the assumptions made and the aggregated source data used, while ensuring the protection of commercially sensitive information.		
Recital 3				
16	(3) To avoid unnecessary administrative burden for operators and public authorities related to the adjustments of free allocation decisions and the transfer of allowances to operators' accounts, the benchmark values should be adjusted for the period from 2027 to 2030, while the additional free	(3) To avoid unnecessary administrative burden for operators and public authorities related to the adjustments of free allocation decisions and the transfer of allowances to operators' accounts, the benchmark values should be adjusted for the period from 2027 to 2030, while the additional free	(3) To avoid unnecessary administrative burden for operators and public authorities related to the adjustments of free allocation decisions and the transfer of allowances to operators' accounts, the benchmark values should be adjusted for the period from 2027 to 2030, while the additional free	

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	allocation amounts for the year 2026 should be made available together with the free allocation for the year 2027. To ensure sufficient time is provided for to reflect this adjustment in the context of Regulation (EU) 2023/956 of the European Parliament and of the Council[1], the resulting adjustment to free allocation levels for the year 2026 should be implemented through the corresponding update of the benchmark values for the year 2027. _____ 1. Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism (OJ L 130, 16.5.2023, pp. 52–104).	allocation amounts for the year 2026 should be made available together with the free allocation for the year 2027. To ensure sufficient time is provided for to reflect this adjustment in the context of Regulation (EU) 2023/956 of the European Parliament and of the Council[1], the resulting adjustment to free allocation levels for the year 2026 should be implemented through the corresponding update of the benchmark values for the year 2027. _____ 1. Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism (OJ L 130, 16.5.2023, pp. 52–104).	allocation amounts for the year 2026 should be made available together with the free allocation for the year 2027. To ensure sufficient time is provided for to reflect this adjustment in the context of Regulation (EU) 2023/956 of the European Parliament and of the Council[1], the resulting adjustment to free allocation levels for the year 2026 should be implemented through the corresponding update of the benchmark values for the year 2027. _____ 1. Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism (OJ L 130, 16.5.2023, pp. 52–104).	
Recital 4				
17	(4) To preserve the level playing field and prevent negative effects on free allocation determined on the basis of the product benchmarks, it is necessary to ensure that the adjusted percentage rate value for the maximum annual update rate used to determine the fallback benchmarks until 2030 does not trigger the application of the cross-sectoral correction factor pursuant to Article 10a(5) of Directive 2003/87/EC.	(4) To preserve the level playing field and prevent negative effects on free allocation determined on the basis of the product benchmarks, it is necessary to ensure that the adjusted percentage rate value for the maximum annual update rate used to determine the fallback benchmarks until 2030 does not trigger the application of the cross-sectoral correction factor pursuant to Article 10a(5) of Directive 2003/87/EC.	(4) To preserve the level playing field and prevent negative effects on free allocation determined on the basis of the product benchmarks, it is necessary to ensure that the adjusted percentage rate value for the maximum annual update rate used to determine the fallback benchmarks until 2030 does not trigger the application of the cross-sectoral correction factor pursuant to Article 10a(5) of Directive 2003/87/EC.	
Recital 5				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
18	(5) To further incentivise decarbonisation, it is appropriate for the existing maximum update rate for fallback benchmarks established under Article 10a(2), third subparagraph, point (d), of Directive 2003/87/EC for the period from 2026 to 2030 to continue to be applicable to installations carrying out oil and gas activities, including as regards the free allocation amounts determined on the basis of the fallback benchmarks. To further operationalise the differentiated treatment between oil and gas activities and other activities the fallback benchmarks are applied to, the Commission should establish the corresponding sector specific sub-benchmarks under the ex-ante heat and fuel benchmarks for activities covered by NACE codes 0610, 0620, 1920 and 4950 set out in Annex I to Regulation (EC) No 1893/2006 of the European Parliament and the Council[1]. 1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1893/oj).	(5) To further incentivise decarbonisation, it is appropriate for the existing maximum update rate for fallback benchmarks established under Article 10a(2), third subparagraph, point (d), of Directive 2003/87/EC for the period from 2026 to 2030 to continue to be applicable to installations carrying out oil and gas activities, including as regards the free allocation amounts determined on the basis of the fallback benchmarks. To further operationalise the differentiated treatment between oil and gas activities and other activities the fallback benchmarks are applied to, the Commission should establish the corresponding sector specific sub-benchmarks under the ex-ante heat and fuel benchmarks for activities covered by NACE codes 0610, 0620, 1920 and 4950 set out in Annex I to Regulation (EC) No 1893/2006 of the European Parliament and the Council[1]. 1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1893/oj).	(5) To further incentivise decarbonisation, it is appropriate for the existing maximum update rate for fallback benchmarks established under Article 10a(2), third subparagraph, point (d), of Directive 2003/87/EC for the period from 2026 to 2030 to continue to be applicable to installations carrying out oil and gas activities, including as regards the free allocation amounts determined on the basis of the fallback benchmarks. To further operationalise the differentiated treatment between oil and gas activities and other activities the fallback benchmarks are applied to, the Commission should establish the corresponding sector specific sub-benchmarks under the ex-ante heat and fuel benchmarks for activities covered by NACE codes 0610, 0620, 1920 and 4950 set out in Annex I to Regulation (EC) No 1893/2006 of the European Parliament and the Council[1]. 1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1893/oj).	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Recital 5a				
18a			**(5a) To ensure that the update of the heat and fuel benchmark values does not lead to a successive and circular increase in the amount of free allocation reduced under Article 10a(1) sixth subparagraph, it is appropriate that the 20% reduction of free allocation does not take into account the update of the benchmark values for heat and fuel benchmarks according to paragraph 2a of that Article.**	
Recital 6				
19	(6) Directive 2003/87/EC should therefore be amended accordingly.	(6) Directive 2003/87/EC should therefore be amended accordingly.	(6) Directive 2003/87/EC should therefore be amended accordingly.	
Recital 7				
20	(7) To ensure a swift increase of free allocation levels determined on the basis of the fallback benchmarks that reflect the revised maximum annual update rate value, and to ensure that those additional amounts are made available as of the determination of free allocation for the year 2027, this Regulation should solely address allocations under those benchmarks within the amount of allowances available and enter into force on the third day following that of its publication,	(7) To ensure a swift increase of free allocation levels determined on the basis of the fallback benchmarks that reflect the revised maximum annual update rate value, and to ensure that those additional amounts are made available as of the determination of free allocation for the year 2027, this Regulation should solely address allocations under those benchmarks within the amount of allowances available and enter into force on the third day following that of its publication,	(7) To ensure a swift increase of free allocation levels determined on the basis of the fallback benchmarks that reflect the revised maximum annual update rate value, and to ensure that those additional amounts are made available as of the determination of free allocation for the year 2027, this Regulation should solely address allocations under those benchmarks within the amount of allowances available and enter into force on the third day following that of its publication,	
Formula				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
21	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Article 1				
22	Article 1 Amendments to Directive 2003/87/EC	Article 1 Amendments to Directive 2003/87/EC	Article 1 Amendments to Directive 2003/87/EC	
Article 1, first paragraph				
23	Directive 2003/87/EC is amended as follows:	Directive 2003/87/EC is amended as follows:	Directive 2003/87/EC is amended as follows:	
Article 1, first paragraph, point (0)				
23a		***(-1) in Article 10a, paragraph 1, subparagraph 6 is replaced by the following:***	**(0) in Article 10a (1), the sixth subparagraph is replaced by the following:**	
Article 1, first paragraph, point (-1), second subparagraph				
23b		***'Allowances that are not allocated due to a reduction of free allocation in accordance with the third and fifth subparagraphs of this paragraph shall be used as follows:***	**'Allowances that are not allocated due to a reduction of free allocation in accordance with the third and fifth subparagraphs of this paragraph shall be used for the purposes of paragraph 2a of this Article.'**	
Article 1, first paragraph, point (-1), second subparagraph, point (a)				
23c		***(a) one third for the purposes of paragraph 2a of this Article;***		
Article 1, first paragraph, point (-1), second subparagraph, point (b)				
23d		***(b) one third to be auctioned in accordance with Article 10 and the revenues generated from the auctioning to be transferred to the***		

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		Modernisation Fund referred to in Article 10d;		
Article 1, first paragraph, point (-1), second subparagraph, point (c)				
23e		***(c) one third to be transferred to the Innovation Fund referred to in paragraph 8 of this Article.';***		
Article 1, first paragraph, point (1)				
24	(1) in Article 10a, the following paragraphs 2a and 2b are inserted after paragraph 2:	(1) in Article 10a, the following paragraphs 2a***, 2b and 2ba*** ~~*and 2b*~~ are inserted after paragraph 2:	(1) in Article 10a, the following paragraphs 2a**, 2b and 2c** ~~and 2b~~ are inserted after paragraph 2:	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2a.), first subparagraph				
25	' 2a. By way of derogation from paragraph 2, third subparagraph, point (d), of this Article, the maximum annual reduction rate to be applied for the update of the benchmark values for heat and fuel benchmarks for the period from 2027 to 2030 shall be reduced to a percentage rate value that makes full use of the additional amount referred to in Article 10a(5a) and ensures that no reduction pursuant to Article 10a(5) applies.	' 2a. By way of derogation from paragraph 2, third subparagraph, point (d)~~, of this Article~~, the maximum annual reduction rate to be applied for the update of the benchmark values for heat and fuel benchmarks for the period from 2027 to 2030 shall be reduced***, after considering the sector-specific benchmarks referred to in paragraph 2ba,*** to a percentage rate value that makes full use of the additional amount referred to in ~~*Article 10a(5a)*~~***paragraph 5a, and of the allowances referred to in the sixth subparagraph of paragraph 1,*** and ensures that no reduction pursuant to ~~*Article 10a(5)*~~***paragraph 5*** applies.	' 2a. 'By way of derogation from paragraph 2, third subparagraph, point (d), of this Article, the maximum annual reduction rate to be applied for the update of the benchmark values for heat and fuel benchmarks for the period from 2027 to 2030 shall be reduced to a percentage rate value that makes full use of the additional amount referred to in Article 10a(5a) and **of the allowances referred to in the sixth subparagraph of Article 10a(1), and** ensures that no reduction pursuant to Article 10a(5) applies.	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2a.), second subparagraph				

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
26	Concerning the update of the benchmark values for heat and fuel benchmarks for the year 2027, the maximum annual reduction rate to be applied shall be reduced to a percentage rate value that makes use of 40 % of the adjustment pursuant to the first subparagraph and ensures that no reduction pursuant to Article 10a(5) applies.	Concerning the update of the benchmark values for heat and fuel benchmarks for the year 2027, the maximum annual reduction rate to be applied shall be reduced to a percentage rate value that makes use of 40 % of the adjustment pursuant to the first subparagraph and ensures that no reduction pursuant to Article 10a(5) applies.	Concerning the update of the benchmark values for heat and fuel benchmarks for the year 2027, the maximum annual reduction rate to be applied shall be reduced to a percentage rate value that makes use of 40 % of the adjustment pursuant to the first subparagraph and ensures that no reduction pursuant to Article 10a(5) applies.	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2b.), first subparagraph				
27	2b. Paragraph 2a shall not apply to free allocations for installations carrying out economic activities covered by NACE codes 0610, 0620, 1920 and 4950 set out in Annex I to Regulation (EC) No 1893/2006 of the European Parliament and the Council*.	2b. Paragraph 2a shall not apply to free allocations for installations carrying out economic activities covered by NACE codes 0610, 0620, 1920 and 4950 set out in Annex I to Regulation (EC) No 1893/2006 of the European Parliament and the Council*.	2b. Paragraph 2a shall not apply to free allocations for installations carrying out economic activities covered by NACE codes 0610, 0620, 1920 and 4950 set out in Annex I to Regulation (EC) No 1893/2006 of the European Parliament and the Council*.	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2b.), first subparagraph a				
27a		***2ba. Where the Commission identifies significant and clearly documented discrepancies between the Union-wide ex-ante fuel benchmark and the emission performance of sub-installations within a clearly identifiable industrial sector, it shall establish sector-specific sub-benchmarks under the ex-ante fuel benchmark in accordance with this paragraph. For that purpose, no later than … [three months from the publication of this amending Regulation], the***		

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		Commission shall supplement this Directive by providing, in the delegated acts adopted pursuant to paragraph 1, first subparagraph, the criteria for the identification of significant and clearly documented discrepancies, the sector-specific definitions of sector-specific fuel benchmarks, together with the corresponding system boundaries, and the starting point values for determining the annual reduction rate. ***By … [six months from the publication of this amending Regulation], the Commission shall determine the corresponding sub-benchmark values by means of implementing acts adopted in accordance with paragraph 2, third subparagraph, of this Article. Those implementing acts shall be in accordance with the criteria established by the Commission in accordance with the second subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2). The sub-benchmarks referred to in the first subparagraph of this paragraph shall correspond to the average greenhouse gas emission intensity of the 10 % most efficient installations in the respective***		

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		sector and shall be calculated using the same reference period, dataset and methodology as those used to determine the ex-ante fuel benchmark pursuant to paragraph 2 of this Article. As a matter of priority, and as soon as possible, the Commission shall establish such sub-benchmarks for installations whose economic activities fall within NACE codes 23.20 and 23.31 set out in Annex I to Regulation (EC) No 1893/2006. The Commission shall carry out open, timely and transparent consultations in sufficient time to allow evidence submitted by stakeholders to be effectively taken into account.		
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2c)				
27b			**2c. By way of derogation from Article 10a(1) third and fifth subparagraph, the 20% reduction of free allocation pursuant to those subparagraphs shall not take into account the update of the benchmark values for heat and fuel benchmarks according to paragraph 2a.'**	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2b.), second subparagraph				
28	_____	_____	_____	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2b.), third subparagraph				

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
29	* Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1893/oj). ,	* Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1893/oj). ,	* Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1893/oj).' ,	
Article 2				
30	Article 2	Article 2	Article 2	
Article 2, first paragraph				
31	This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.	
Article 2, second paragraph				
32	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				
33	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
34	For the European Parliament	For the European Parliament	For the European Parliament	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Formula				
35	The President	The President	The President	
Formula				
36	For the Council	For the Council	For the Council	
Formula				
37	The President	The President	The President	

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