



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
CLIMATE ACTION

The Director-General

Brussels, 23/06/2011
CLIMA/B3/ARES (2011) 677077

Mr. Gareth Phillips
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Dear Mr. Phillips,


Thank you for your letter dated 29 April 2011 in which you request several clarifications regarding the treatment of Programme of Activities in the EU post 2012.

The relevant article 11.a(3) in the EU ETS Directive states that "...competent authorities shall allow operators to exchange CERs and ERUs from projects that were registered before 2013 issued in respect of emission reductions from 2013 onwards for allowances valid from 2013 onwards". This wording would indicate that the moment of registration of a project is to be taken as a cut-off date for determining whether future CERs are eligible for use in the EU. A PoA is only registered once and CPAs are added to a PoA without a separate registration. It is therefore the Commission's interpretation that CERs from CPAs added after 2012 to a PoA registered prior to 2013 can indeed be used for compliance in the EU.

The Commission is, however, also aware that this interpretation of article 11.a(3) may increase the supply of CERs from non-LDCs. This contradicts the spirit of the Directive to allow only CERs from projects registered after 2012 if they come from LDCs. The Commission will therefore continue to monitor the evolution of PoAs, including its impact on the development of new sectoral mechanisms. The Commission notes that the Directive allows the Commission to propose appropriate regulatory measures under article 11.a(9) of the EU ETS, if the situation would require this.

You also ask the question whether CERs from CPAs in LDCs would be eligible under the EU ETS if the PoA also includes CPAs in non-LDCs. The answer to this, as you rightly mention, will crucially depend on the possibility to clearly distinguish the country of origin of each CER, and whether such a filter can easily be introduced in the CITL. If this is the case, the Commission sees no objections to this.

Yours sincerely,



Jos DELBEKE