



REFORMING THE EU EMISSIONS TRADING SYSTEM

Outcomes & Analysis

15 July 2015

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1. Executive Summary

What happened?

On 15 July 2015, as part of its 'Summer Package of proposals', the European Commission came forward with a legislative proposal to reform the EU emissions trading system.

Why does it matter?

The EU ETS is the chief instrument to decarbonise Europe's energy systems. However, at present, given the low price of allowances in the system, the EU ETS is not seen as giving an adequate incentive to promote low carbon technologies and the transition away from heavier polluting fuels such as coal, towards gas and renewables.

Looking ahead, under the EU low-carbon 2050 Roadmap, the EU should cut its emissions to 80% below 1990 levels. More short term, the EU Member States in October 2014 set the goal of a 40% reduction in greenhouse gas (GHG) emissions by 2030. A revised and more efficient ETS (with higher emission unit allowances) is needed to achieve this goal.

What does it include?

The proposal includes a number of measures which will change how the ETS functions. The most important changes include:

- 1) **An increase in the number of allowances withdrawn from the Emissions Trading Scheme on an annual basis:** The changes include reducing the number of overall allowances by 2.2% a year from 2021 (A higher rate than the current 1.74%) and should reduce emissions from sectors subject to the ETS by some 556 million tons over the decade.
- 2) **Changes to the rules on how energy intensive industries will be 'protected' from the effects of the ETS:** Under the Commission's proposals, a smaller number of sectors will receive free EU ETS allowances. Indeed, the reforms would reduce the number of industrial sectors eligible to receive full compensation to around 50 sectors, from 177 on the list today.
- 3) **A new 'more targeted' benchmark system:** All industries will be affected but the stricter benchmarks could mean that even the best performing energy intensive industries will face increased carbon costs.
- 4) **New funding schemes to promote innovation:** 400 million allowances will be given to promote renewable energy, CCS development and low carbon technologies in energy intensive industries.
- 5) **A new so called 'Modernisation Fund':** This will give financial compensation to lower income EU Member States to pay for the transition. 310 million allowances will be split between 10 Member States with Poland receiving a whopping 43% of the allocated share.

Key questions that remain to be answered

1. Will this ETS reform proposal be enough for the EU to meet its 2030 decarbonisation targets?
2. Will the reform be enough to encourage a swift transition away from higher polluting fuels such as coal in power generation?
3. Will the carbon leakage protection measures in the proposal be enough to prevent the relocation of industry outside of the EU or will we see a 'de-industrialisation' of the EU?
4. Will the Parliament and Council accept a methodology which will likely reduce the list of sectors on the carbon leakage list from the 177 to the foreseen 52 for 2021-2030?
5. Will other regions outside of the EU adopt similar market based emissions trading systems mechanisms following the Paris COP 21 Summit? If so, could the EU ETS join up with these schemes in the medium term?

Next Steps

The ETS reform will now go through co-decision procedure, involving the European Parliament and Member States; this process should take 18-24 months.

2. Key changes in the ETS Directive Revision

The new proposal amends the revised EU ETS Directive 2009/29/EC putting forward key changes summarized below. Overall, as a system the ETS functions well and we can see limited changes to the existing rules of how the ETS will operate. Instead, the biggest changes will be with regards the free allocation offered to energy intensive industries with the Commission pushing a “more targeted approach” for energy intensive industries which will result in less sectors being on the carbon leakage list and industries (Possibly even the best performing) having to pay higher carbon costs due to less allowances being provided for free.

A. Linear Reduction Factor

Every year a percentage of allowances are removed from the market. The current rate is 1.74% of allowances to be removed every year. However this rate fails to bring the price of allowances to a higher level as the surplus persists. To accelerate the withdrawal of allowances and in order to reach an overall reduction of 43% in the EU ETS by 2030, in the Commission’s proposal the annual linear reduction factor will be increased from 1.74% to 2.2% from 2021 onwards. According to the Commission, this should reduce emissions from sectors subject to the ETS by some 556 tons over the decade.

- + **Assessment:** This is an expected and unconditional aspect of the reform as outlined in the October European Council Conclusions. Indeed, this increase in the linear reduction factor is needed to reach the 2030 GHG reduction targets of 43 for the sectors covered by the ETS%.

B. Free allocation/carbon leakage provisions

Under the Commission’s proposals, a smaller number of sectors will receive free EU ETS allowances. Indeed, the reforms would reduce the number of industrial sectors eligible to receive full compensation to around 50 sectors, from 177 on the list today. Those that are not on the list will be eligible for 30 percent free allowances, at the level of the respective benchmark.

As Member States at the October European Council did not give the Commission the mandate to reduce the number of allowances given to industry for free; the Commission has instead decided to focus on implementing what it refers to as ‘well targeted rules’.

This targeting is achieved through three means

- The list of sectors receiving 100% free allowances will be reduced. However, the Commission has not published the list of sectors yet. Instead the Commission has rather said that they will come forward with a specific list of free allocation sectors in 2019, based on all data collected for the period 2013 – 2017.
- A more frequent alignment of free allocation to production data.
- Updating the benchmarks used to calculate the free allocation.

Under the new system, sectors deemed to be exposed to carbon leakage will continue to receive a higher allocation than others which have the ability to pass on relevant costs in product prices. The revised methodology is based on two combined criteria: emissions intensity and trade intensity. Sectors that want to be on the list will need to pass the Commission’s threshold.

From a look at the Commission Impact Assessment (See pages 171-185) and based on the comments of Climate & Energy Commissioner Cañete at the reform’s press conference launch, we can see that the most energy intensive sectors such as refining, cement, steel and glass need not be concerned and will continue to receive 100% free allocation. These sectors will be more concerned with the Commission’s new revised, stricter benchmark methodology.

Benchmarks

The Commission is also keen to use better data to assess the risks of carbon leakage. Noting that the current production data years are now out of date, the Commission plans on using production data from 2013-2017, which will be updated every five years.

The 52 product benchmark values will be updated twice during the period 2021-2030, to “reflect advances in technology”. The benchmarks will be updated every five years assuming a 1% efficiency improvement every year.

- + **Assessment:** This aspect of the proposal is a controversial one and will no doubt lead to much debate when the Council and European Parliament begin analyzing the text. Many energy intensive industries will be angered to have dropped off the list and thus be no longer able to claim 100% free allowances. Looking ahead, focus for many sectors have already switched to 2019, when the Commission will come forward with a list of sectors that are deemed subject to carbon leakage.
- + Elsewhere, the most energy intensive industries such as refineries and cement, who will unequivocally qualify as being exposed to carbon leakage, irrespective of the criteria employed, will be very displeased with how the Commission has introduced such a strict mechanism for reducing the amount of allowances available until 2030. It has already been noted amongst energy intensive groups that even the best performing of industries will still not get 100% free allocation. Long term, they have already noted that this could lead to a ‘de-industrialisation’ of Europe.

C. Indirect/Pass-through costs of the ETS

Despite much advocacy by electro-intensive industries, the Commission’s proposal does not put forward a binding EU-wide compensation scheme for the indirect/pass through costs of the ETS. Instead, it merely says that Member States “should” partially compensate. Although this wording is slightly more direct than the one in the original ETS Directive (“may adopt”), the Commission seems sceptical of compensation for indirect costs due to the risk of overcompensation, as outlined in the EU ETS reform’s impact assessment.

To date, most Member States have not taken advantage of the option of compensating industry for the indirect costs of the ETS. Those few Member States who have chosen to do so have offered widely different amounts of compensation, with only Germany’s scheme of €756 million for the 2013-2015 seen as providing any real relief. The proposal will be little, if anything, to alter this situation.

- + **Assessment:** This will be viewed as a disappointment to industry who had lobbied hard for a change to the current compensation arrangements for indirect costs of emissions trading after 2020. Looking ahead, electro-intensive industries will likely be pushing the European Parliament and Member States to change this as the file goes through co-decision.

D. Funding Schemes

Several support schemes will be established/updated under the proposal. Overall, between the innovation and modernization fund, some 710 million allowances will be auctioned.

Modernisation Fund for low-income Member States

Following on from the 2030 October European Council Conclusions, where the Central and Eastern European (CEE) Member States led by Poland refused to sign up to a deal unless they received adequate compensation, the European Commission has decided to create a ‘Modernisation fund’ to compensate these Member States for the transition. 2% of the allowances will go to this fund. Overall, 10 Member States are eligible to benefit from the fund.

However, it is clear that the Commission does not want this to be a ‘carte blanche’ to heavy polluters in CEE Member States and thus a new competitive bidding process will be setup to bring more transparency to the process. A governance structure for the modernisation fund will be created involving Member States, the Commission and the European Investment Bank.

In addition, free allowances will continue to be available to modernize the power sector in low-income Member States.

- + **Assessment:** For the modernization fund we can see that Poland will be the big winner, receiving 43% of Allowances. Elsewhere Czech Republic and Romania will also fare well based on the criteria employed by the Commission. (To see how this fund will be distributed, please see Q&A of the document below).

Innovation Fund for low carbon technologies, CCS and Renewables

Replacing the NER 300, the reform would create an innovation fund that starts in 2021 and worth some 400 million allowances to be invested in low carbon technologies in the energy intensive sector. 400 million allowances worth a predicted value of 10 billion when sold (This implies that the Commission foresees a shadow price of €25/tCO₂). A further 50 million unallocated allowances will be set aside.

Assessment: *Following on from the NER 300 fund we can see the innovation fund will have a broader remit. It remains to be seen however if the breakthrough technologies which the Commission regularly refers to can be found.*

3. The Emissions Trading Scheme Reform: Key Questions & Answers

The Basics

What is the ETS?

The EU Emissions Trading System is the chief instrument to decarbonize the EU economy and reach the EU's stated GHG emissions reduction targets for 2020, 2030 and 2050. It operates as an EU-wide 'cap-and-trade' system which sets a limit (cap) to the maximum amount of greenhouse gas (GHG) which can be emitted by industrial plants (such as refineries), power plants and other installations.

The ETS' Phase III currently runs from 2013-2020 with the objective of reducing the emissions of the sectors it covers by 21% in 2020 compared to 2005 levels. The proposal put forward by the European Commission concerns the post-2020 rules, when the Fourth Phase of ETS starts (2021-2030) with the objective of reducing the emissions by 43% in 2030.

How does it work?

In order to emit CO₂, companies covered by the ETS must buy emission allowances (EUAs) which are permits that they can trade to others on the 'market'. Each allowance grants its owner the right to emit the equivalent of one tonne of CO₂. The price of these allowances varies according to the supply/demand ratio. The maximum number of allowances available on the market is reduced each year through a 'linear reduction factor' (currently 1.74%). The logic is that reducing this 'cap' will make allowances scarcer and therefore more expensive, encouraging companies to invest in lower-emitting technologies in order to avoid paying a high price for allowances.

Who is affected by the ETS?

Around 11,000 installations are currently covered by the ETS. Altogether the EU ETS covers around 45% of the total greenhouse gases emitted by the 28 EU Member States. The system covers emission of carbon dioxide from power plants, a wide range of energy intensive sectors (oil refineries, steel works, ceramics, etc.) and commercial airlines.

Why was the reform needed?

So far the ETS has failed to incentivize investment in lower carbon technologies due to a persistent oversupply of emissions allowances on the market which has kept allowance prices low. The reform aims at correcting this oversupply by accelerating the rate at which allowances are removed annually as well as by establishing a correction mechanism which would regulate the amount of allowances available on the ETS market and therefore their price, similar to what a central bank would do with currency.

Considered to be the technology-neutral 'cornerstone' of the EU's fight against climate change and key tool for reducing industrial GHG emissions, the idea behind the ETS is that the linear reduction of allowances (1.74% of allowances are currently removed from the market every year) in the market combined to industry buying emission rights would result in a scarcity of allowances, pushing their price up and encouraging industry to invest in low-carbon technology.

However, this desired outcome did not materialize over the past few years, to the contrary. There is currently a surplus of around 2 billion allowances in the ETS, which has resulted in a very low price of around €7/tCO₂, failing to drive industries to invest in less emitting technology.

This is mostly due to two main factors:

1. The economic downturn since 2008: as consumption decreased in Europe, so did industrial production, and therefore the number of allowances bought by industry.
2. The combined effect of the '20-20-20' targets: these binding 20% objectives for 2020 resulted in lower energy consumption, the arrival of zero-carbon renewable energy sources on the power market, and overall GHG emission reductions.

How will the allowances be distributed?

Under the Commission's proposal, 43% of allowances will be given for free and 57% auctioned off.

It is expected that around 6.3 billion allowances will be allocated for free to companies over the period 2021 – 2030 – worth as much as €160 billion according to Commission estimates.

What is the linear reduction factor and how will the increase to 2.2% work?

The linear reduction factor determines the pace of emissions reductions in the EU ETS. In order to achieve a 43% cut in emissions by 2030 compared to 2005, the linear reduction factor needs to be increased from 1.74% to 2.2% from 2021 onwards. As a result, the number of allowances in circulation annually will reduce by 48 million.

If we have the Market Stability Reserve, why is the ETS structural reform needed?

The Market Stability Reserve, agreed by Parliament last week, was only ever a means to stabilize the amount of allowances available on the market by withdrawing or re-injecting them, similar to what a central bank would do with currency, in order to avoid surpluses such as the current one, which in turn lead to a drop in the price of allowances. It will serve as a mechanism to regulate the price of CO₂ emissions as of 2019. The broader structural reform was needed to reduce the amount of allowances available on the ETS 'market' in the first place – and particularly to accelerate the rate at which these available allowances were withdrawn in order to meet the EU's GHG emission reduction targets – but also to tighten the conditions of eligibility to free allowance allocation for industrial sectors, pushing them harder to invest in lower-emitting technology.....

Carbon Leakage

What is carbon leakage?

'Carbon leakage' is a term used to describe the situation that may occur if, for reasons of costs and related climate policies, businesses transferred production to other countries which may have laxer constraints on GHG emissions. The current list contains 177 sectors and subsectors, covering a very high share of installations.

Does carbon leakage exist and what evidence have we seen?

Many industries, while acknowledging that given the low price of allowances in the ETS up to now, that we have seen limited carbon leakage – however, we have seen an 'investment leakage'. It is interesting to note that in (7) of the Directive's recitals, the Commission notes "Experience gathered during the operation of the EU ETS confirmed that sectors and subsectors are at risk to varying degrees, and that free allocation has prevented carbon leakage".

What is the new carbon leakage rules criterion and how does it differ from the previous criteria?

Under the carbon leakage criteria used today, two quantitative criteria are used based on 1) the carbon cost and 2) the trade intensity. In addition, qualitative criteria can be used e.g. abatement potential, market characteristics and impact on profit. Under the current criteria, all large sectors are on the list, with some of those below the quantitative thresholds such as bricks and tiles, added on the basis of qualitative arguments.

As a result, the current carbon leakage list is unfocused with 97% of industrial emitters on the list. In this list, 62% qualify under the combined criteria, 18% under the carbon cost only criteria and 15% under the trade intensity. The main consequences of this are

- 1) High administrative costs to exclude just 3-4% of emissions from carbon leakage compensation
- 2) The best performers suffer from undue carbon costs resulting from the cross-sectoral correction factor – the cross sectoral factor reduces the number of free allowances in all installations eligible for free allocation in a uniform manner.

The new rules for calculating the carbon leakage criteria are laid out in Article 10b. In Article 10b it says “Sectors and sub-sectors where the product exceeds 0.2 from multiplying their trade intensity with third countries..., by their emission intensity..., divided by the gross added valued added (in €), shall be deemed at risk of carbon leakage”. These sectors will receive 100% free allocations (In line with the new tighter rules). Sectors and sub sectors that are deemed able to pass on the cost of allowances will receive 30% of allowances.

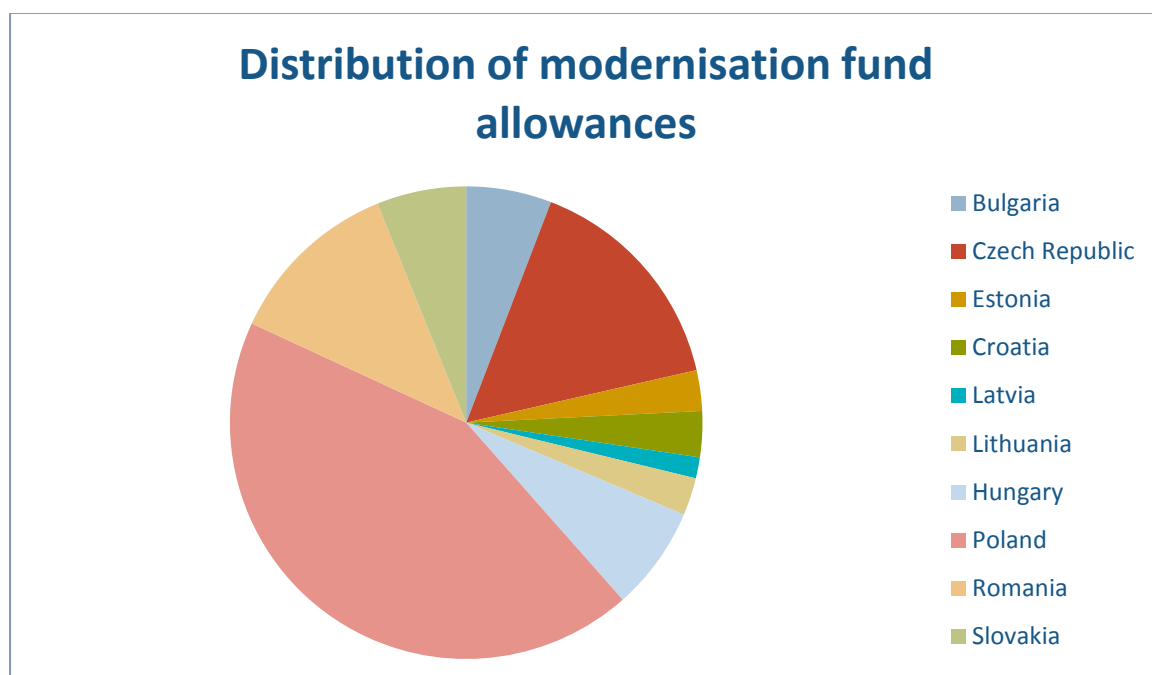
An initial assessment would mean a much shorter list of roughly 50 sectors versus 177 now.

Modernization Fund

Which Member States will benefit from the Modernisation Fund?

The modernization fund will be divided up amongst Member States with GDP per capita below 60% of the EU average.

As one can see from the distribution of the funds laid out in below the big winner will be Poland who will receive a whopping 43% of all allowances in this fund. Poland currently has 90% of its power sourced by coal and lignite. Czech Republic 15 % and Romania 12% are also big winners.



Price developments

What price can we expect for Allowances up to 2030?

With the new European Commission’s proposal to reform the EU ETS just published, looking ahead, the big question the markets will ask is what future carbon price we can expect.

The current market price of EU allowances is €7.74/tCO₂, far from the Commission’s initial forecast for Phase III, which assumed an estimated carbon price of €25-30/tCO₂.

So far the European Commission has not released clear projections of what price we can expect in the future. This should happen soon as the Commission has remained tight lipped so far on what its own internal shadow carbon price is, believing that this would somehow undermine the market based mechanism of the ETS and influence the price of allowances.

It is interesting to see however that in the Q&A, the Commission says that the innovation fund will have 400 million allowances worth a predicted value of €10 bn when sold. **This implies that the Commission foresees a shadow price of €25/tCO₂.**

I. Stakeholder Reactions

Both in advance and following on from the publication of the Summer Package, most of the attention from stakeholders was on the thorny issue of how to deal with carbon leakage. As expected, energy intensives claimed that the proposal would increase the risk of carbon leakage in Europe, while the more electro-intensive amongst this group bemoaned the proposal as a missed opportunity for effective compensation of indirect costs. On the opposite end of the scale NGOs and environment groups mourned that the reform did not go far enough, while, in the Parliament the traditional left-right divide on energy issues was evident with the more left wing groups S&D and the Greens keen on more ambition, while the centre-right EPP warned of the impact on industry.

Industry

- Industry has consistently sent a strong message calling on the Commission to safeguard European competitiveness. As the proposal came out, the main focus of their arguments was on carbon leakage compensation and how the tightening of free allocations will consequently affect industry sectors.
- [The Alliance for Energy Intensive Industry](#), a group of companies representing over 30,000 European companies all affected by the ETS, adopted an open statement ahead of the publication calling for European competitiveness to be guaranteed and worrying in particular about the new free allocations rules.
- Further to the adoption, associations representing energy intensive industries have promptly expressed their concerns and regrets. For instance, [Fertilizers Europe](#) said the proposal threatens food security in Europe,
- The more electro intensive industries such as the European [Aluminium](#) industry said it regrets the absence of an EU-wide solution to shield the most exposed industries from the indirect costs of the ETS, which will likely jeopardise the sector. The European metal industry, [Eurometaux](#), expressed disappointment over the “missed opportunity” for effective compensation for indirect costs of the ETS.
- For [BusinessEurope](#), the largest trade association in Europe, such a drastic reduction of free CO₂ allowances is ‘unnecessary’, stressing that shrinking the volume of free allowances will raise the risk of investment leakage.
- [EURELECTRIC](#) welcomed the Commission proposal, saying that it acknowledged the need to strengthen the EU ETS as the main instrument to deliver cost-effective decarbonisation in Europe. On carbon leakage rules, EURELECTRIC said it considered that free allocation should be allowed to cover direct carbon costs only for sectors covered by a post-2020 carbon leakage list.

NGOs

- [WWF](#) welcomed the proposal, in particular the establishment of several funds that can finance clean technologies and drive further emission reductions. However, it underlined the key role that a high carbon price signal will play for these funds to be effective.
- [CAN Europe](#) expressed a more critical opinion, criticizing that the ETS reform proposal tabled by the Commission does not address the failings of the ETS and if implemented would continue to delay climate action in Europe’s power and industrial sectors until 2030
- [Sandbag](#), a UK based research and campaigning organisation focused on effective European climate policy, released a new [report](#) outlying how the current ETS rules are not sufficiently encouraging major emitters to invest in decarbonisation. In their recommendations, they call for:
 - A more targeted form of free allocation (Accounting for genuine need for protection against carbon leakage and for changing production levels)
 - Less punitive application of the rules which reduce the total amount of volume available to industry (i.e. The so-called ‘cross-sectoral correction factor’)

European Parliament

- **EPP group:** the EPP group is pleased with the proposal and welcomes the introduction of the innovation fund, a specific request which came from the group. Of most interest, German MEP Peter Liese noted that the proposal is a *“fair offer to the energy-intensive industry. Those who want to invest in new and environmentally-friendly technology will receive support”*. Echoing his German colleague, MEP Ivo Belet, EPP Group Rapporteur on the Market Stability Reserve, stressed the importance to a conversion towards low-carbon production, while at the same time guaranteeing energy-intensive manufacturing industries to continue to receive free CO₂ allowances, on condition that they produce in an energy-efficient manner.
- **S&D:** On behalf of the Socialists and Democrats, German MEP Matthias Groote welcomed the timely proposal, highlighting the relevance of the reform to start now in order to send a clear message ahead of the COP21 climate negotiations in Paris in December. On carbon leakage provisions, he agrees on reducing the number of free allowances, as the support should be to help industries shifting to a low carbon production model.
- **Greens:** the Green Party did not hide their disappointment about the expected reform. Dutch Greens/EFA coordinator MEP Bas Eickhout reacted saying that the cap needs to drop by 2.6% per year, rather than 2.2% as announced, to meet the EU’s 2030 and 2050 emissions reduction targets.
- **ALDE:** MEP Gerben-Jan Gerbrandy commented the package saying *“I much welcome this timely launch of the EU’s carbon market reform. My attention will focus on boosting low-carbon innovation and a targeted approach to protect the competitiveness of the European industry. We must also ensure that the free allocation of carbon allowances to power plants in Central and Eastern Europe won’t distort the Energy Union and the emerging European electricity sector”*

Member States

- The Green Growth Group, a group of environment [ministers](#) from 9 Member States including Germany, UK, Spain, Italy and the Netherlands, issued a statement in advance calling on the Commission for a robust EU ETS and calling for protection of industrial sector most exposed to carbon leakage risks as well as lower-income Central and Eastern European Member States.
- The Polish State Secretary for Environment responsible for Climate Policy Martin Korolec reacted in a self-promotional fashion saying *“Concessions Poland got respected in ETS review and I’m glad”* Elsewhere, he criticised that it was *“Sad though that European industry becomes sacrificial lamb of this reform”*.

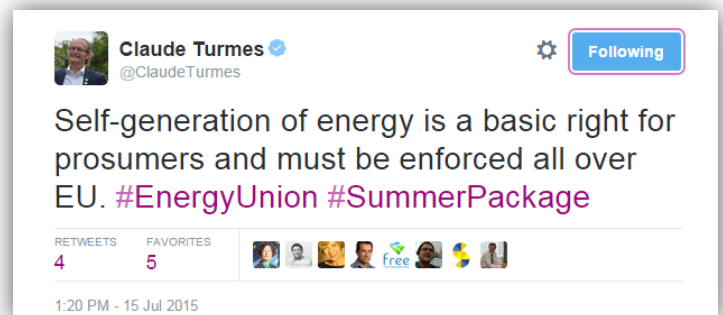
International Organisations

- **IETA**, an organisation dedicated to the establishment of effective emissions trading in greenhouse gases by businesses, released a [paper](#) in advance of the publication, calling on the Commission to ensure that the ETS remains the EU’s central policy instrument. In addition, they give a main recommendation that the Commission avoid overlap with other policies (The Energy Efficiency Directive and Renewable Energy Directive have resulted in a substantial reduction for allowances until 2020).

II. The Twitter Sphere

Twitter was predictably lit up with industry accounts squaring off to green groups. The conversations centred around the #ETS and #EnergyUnion hashtags, and the somewhat green-leaning twitterverse was generally a little sceptical of the proposals.













All parties were quick to take snippets of Commissioner Arias Cañete and Vice President Šefčovič's speeches which fit their messaging; showing more than ever every piece of a speech must be exactly on the



Commissions line, but bold statements can quickly make a big impact.



IV. Documentation

- **The proposal:** 15/07/2015 - COM (2015) 337 - Proposal amending Directive 2003/87/EC to enhance cost-effective emission reductions and low carbon investments  (520 kB) 
- **Annex:** 15/07/2015 - COM (2015) 337 - Annex to Commission proposal  (105 kB) 
- **Slide set:** 15/07/2015 - Slide set on EU ETS Revision  (693 kB) 
- **Executive Summary of Impact Assessment:** 15/07/2015 - SWD (2015) 136 - Executive Summary of the Impact Assessment  (200 kB) 
- **Impact Assessment:** 15/07/2015 - SWD (2015) 135 - Impact assessment  (3.8 Mb) 
- **Basic Q&A:** 15/07/2015 - MEMO/15/5352 - Questions and answers on the proposal to revise the EU emissions trading system (EU ETS)
- **Detailed Q&A:** 15/07/2015 - Detailed Q & A  (163 kB) 

FH Brussels Energy Practice

Energy has become one of the most important policy areas in the European Union. Business critical issues like market regulation, energy security, climate change, infrastructure, energy efficiency and the development of new technologies (renewable, nuclear, CCS) are shaped by the European Union and its policies. The FleishmanHillard energy team has specific experience on communicating on energy issues, working with clients across the sector (gas, nuclear, renewable energies, electricity production, etc.). Our team is an excellent combination of strategic sector expertise with a strong public affairs and communications track-record.

For more information about our company and the services the energy team offers, contact James Stevens at James.Stevens@fleishmaneurope.com