# COMMISSION DECISION (EU) 2023/863

## of 26 April 2023

## on setting out the amounts corresponding to 20 % of the overall overachievement of certain Member States in the period from 2013 to 2020 pursuant to Regulation (EU) 2018/842 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 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 ([1]), and in particular Article 11(5) thereof,

Whereas:

(1) Regulation (EU) 2018/842 establishes Union and national targets for the reduction of greenhouse gas emissions by 2030 and provides for the establishment of a safety reserve corresponding to up to 105 million tonnes $CO_2$ equivalent, under the condition that the overall Union emissions reduction target is met. The safety reserve will be available, under certain circumstances, for Member States whose 2013 Gross Domestic Product (GDP) per capita was below Union average and whose cumulative greenhouse gas emissions from 2013 to 2020 in the sectors covered by that Regulation are below their cumulative annual emission allocations for the same years. On a first round of distribution of the Safety Reserve, each qualifying Member State may only receive the amount of allocations equivalent to 20 % of its 2013-2020 overachievement.

(2) Pursuant to Regulation (EU) 2018/842, the Commission is to publish, after the review referred to in Article 19 of Regulation (EU) No 525/2013 of the European Parliament and of the Council ([2]), for each Member State that fulfils the two conditions set out in Article 11(2), points (a) and (b), of that Regulation, the amounts corresponding to 20 % of the overall overachievement in the period from 2013 to 2020.

(3) The Commission has completed the review, required by Article 19 of Regulation (EU) No 525/2013, and has set out the Member States' greenhouse gas emissions inventories for the year 2020 in Commission Implementing Decision (EU) 2022/1953 ([3]).

(4) According to data published by Eurostat in April 2016 ([4]), in 2013 Bulgaria, Czechia, Estonia, Greece, Spain, Croatia, Italy, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Romania, Slovenia, and Slovakia had a GDP below the Union average.

(5) The values of greenhouse gas emissions and of the greenhouse gas emissions allocations of the Member States in each year of the period 2013 to 2020 are available in the European Union transaction log set up pursuant to Article 20 of Directive 2003/87/EC of the European Parliament and of the Council establishing a system for greenhouse gas emission allowance trading within the Union ([5]). With the exception of Malta, the cumulative greenhouse gas emissions of each of the above-mentioned Member States in the years from 2013 to 2020, in the sectors covered by Regulation (EU) 2018/842, were below the cumulative annual emission allocations of the Member State for the years in the same period.

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([1]) OJ L 156, 19.6.2018, p. 26.

([2]) Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

([3]) Commission Implementing Decision (EU) 2022/1953 of 7 October 2022 on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2020 for each Member State (OJ L 269, 17.10.2022, p. 17).

([4]) SWD(2016) 247 final, p. 143.

([5]) 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 CouncilDirective 96/61/EC (OJ L 275, 25.10.2003, p. 32).

(6) Since Bulgaria, Czechia, Estonia, Greece, Spain, Croatia, Italy, Cyprus, Latvia, Lithuania, Hungary, Poland, Portugal, Romania, Slovenia, and Slovakia meet the two conditions set out in Article 11(2), points (a) and (b), of Regulation (EU) 2018/842, the amounts corresponding to 20 % of the overall overachievement for that period should be published for each of those Member States,

HAS ADOPTED THIS DECISION:

*Article 1*

The amounts corresponding to 20 % of the overall overachievement of the Member States fulfilling the conditions set out in Article 11(2), points (a) and (b), of Regulation (EU) 2018/842 in the period from 2013 to 2020 are set out in the Annex to this Decision.

*Article 2*

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

Done at Brussels, 26 April 2023.

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

*ANNEX*

| Member States fulfilling the conditions set out in Article 11(2), points (a) and (b), of Regulation (EU) 2018/842 | Amounts, expressed in tonnes of $CO_2$ equivalent, corresponding to 20 % of the overall overachievement of the Member State in the period from 2013 to 2020 |
|---|---|
| Bulgaria | 2 736 643 |
| Czechia | 6 757 788 |
| Estonia | 114 088 |
| Greece | 23 884 476 |
| Spain | 35 041 457 |
| Croatia | 5 755 207 |
| Italy | 47 793 694 |
| Cyprus | 1 390 308 |
| Latvia | 1 133 264 |
| Lithuania | 668 397 |
| Hungary | 15 708 173 |
| Poland | 109 092 |
| Portugal | 14 484 447 |
| Romania | 12 582 725 |
| Slovenia | 2 532 246 |
| Slovakia | 7 649 775 |