

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) <a href="#">2021/0202(COD)</a> Decision</p>	Procedure completed
<p>Revision of the Market Stability Reserve for the EU Emissions Trading System</p> <p>Amending Decision 2015/1814 <a href="#">2014/0011(COD)</a></p> <p>Subject 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.03 Climate policy, climate change, ozone layer 3.70.18 International and regional environment protection measures and agreements</p> <p>Legislative priorities <a href="#">Joint Declaration 2022</a> <a href="#">Joint Declaration 2021</a> <a href="#">Joint Declaration 2023-24</a></p>	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	 <a href="#">Environment, Public Health and Food Safety</a>	 <a href="#">ENGERER Cyrus</a> Shadow rapporteur  <a href="#">BUȘOI Cristian-Silviu</a>  <a href="#">WIESNER Emma</a>  <a href="#">BLOSS Michael</a>  <a href="#">VONDRA Alexandr</a>  <a href="#">MODIG Silvia</a>		16/09/2021
	Committee for opinion	Rapporteur for opinion	Appointed	
	 <a href="#">Industry, Research and Energy</a>	 <a href="#">GAMON Claudia</a>		07/10/2021
Council of the European Union	Commission DG	Commissioner		
European Commission	<a href="#">Climate Action</a>	TIMMERMANS Frans		
European Economic and				

## Key events

14/07/2021	Legislative proposal published	<a href="#">COM(2021)0571</a>	Summary
13/09/2021	Committee referral announced in Parliament, 1st reading		
15/03/2022	Vote in committee, 1st reading		
16/03/2022	Committee report tabled for plenary, 1st reading	<a href="#">A9-0045/2022</a>	Summary
04/04/2022	Debate in Parliament		
05/04/2022	Decision by Parliament, 1st reading	<a href="#">T9-0101/2022</a>	Summary
05/04/2022	Matter referred back to the committee responsible		
09/02/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE742.382</a> <a href="#">GEDA/A/(2023)001087</a>	
13/03/2023	Debate in Parliament		
14/03/2023	Results of vote in Parliament		
14/03/2023	Decision by Parliament, 1st reading	<a href="#">T9-0067/2023</a>	Summary
28/03/2023	Act adopted by Council after Parliament's 1st reading		
19/04/2023	Final act signed		
25/04/2023	Final act published in Official Journal		

## Technical information

Procedure reference	2021/0202(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Amending Decision 2015/1814 <a href="#">2014/0011(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/06894

## Documentation gateway

Legislative proposal	<a href="#">COM(2021)0571</a>	14/07/2021	EC	Summary
Document attached to the procedure	<a href="#">SWD(2021)0552</a>	15/07/2021	EC	

Committee draft report		<a href="#">PE700.689</a>	06/12/2021	EP	
Economic and Social Committee: opinion, report		<a href="#">CES3918/2021</a>	08/12/2021	ESC	
Amendments tabled in committee		<a href="#">PE704.569</a>	20/01/2022	EP	
Committee opinion	ITRE	<a href="#">PE703.111</a>	04/03/2022	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0045/2022</a>	16/03/2022	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		<a href="#">T9-0101/2022</a>	05/04/2022	EP	Summary
Committee of the Regions: opinion		<a href="#">CDR4546/2021</a>	28/04/2022	CofR	
Coreper letter confirming interinstitutional agreement		<a href="#">GEDA/A/(2023)001087</a>	08/02/2023	CSL	
Text agreed during interinstitutional negotiations		<a href="#">PE742.382</a>	08/02/2023	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0067/2023</a>	14/03/2023	EP	Summary
Draft final act		00005/2023/LEX	19/04/2023	CSL	
Commission response to text adopted in plenary		<a href="#">SP(2023)193</a>	26/04/2023	EC	

#### Additional information

Research document	<a href="#">Briefing</a>	28/01/2022
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#### Final act

[Decision 2023/852](#)  
[OJ L 110 25.04.2023, p. 0021](#) Summary

## Revision of the Market Stability Reserve for the EU Emissions Trading System

**PURPOSE:** to amend Decision (EU) 2015/1814 as regards the amount of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading scheme until 2030.

**PROPOSED ACT:** Decision of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** all sectors of the economy need to contribute to achieving those emission reductions. Therefore, the ambition of the EU Emissions Trading System (EU ETS), established by Directive 2003/87/EC of the European Parliament and of the Council, should be adjusted to be in line with the economy-wide net greenhouse gas emissions reduction commitment for 2030.

In order to address the structural imbalance between supply and demand of allowances in the market, Decision (EU) 2015/1814 of the European Parliament and of the Council established a market stability reserve (MSR) in 2018, which has been operational since 2019.

The reserve functions by triggering adjustments to the annual volumes of allowances to be auctioned. In order to preserve a maximum degree of predictability, Decision (EU) 2015/1814 established clear rules for placing and releasing allowances in the reserve.

The European Green Deal launched a new growth strategy for the EU that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy. The [European Climate Law](#) has made the EU's climate neutrality target by 2050 legally binding.

The Commission has presented a complementary and interconnected set of proposals as part of the 2030 Climate and Energy Fit for 55 package to achieve the greenhouse gas emission reduction target of at least 55% compared to 1990. This Fit for 55 legislative package is the most comprehensive building block in the efforts to implement the ambitious new 2030 climate target, and all economic sectors and policies will need to make their contribution.

The Fit for 55 package, the Next Generation EU and the Multiannual Financial Framework for 2021-2027 will help to achieve the twin green and digital transitions that Europe is aiming for.

As part of this package, this proposal aims to increase the environmental contribution of the EU Emissions Trading System (EU ETS).

As the MSR Decision currently stands, the 24 % intake rate of the MSR and the minimum amount to be placed in the reserve of 200 million allowances will expire in 2023. As from 2024, the intake rate would become 12 %. 12 % intake rate would not be enough to ensure that the objectives of the MSR in terms of reducing the surplus and ensuring market resilience would still be fulfilled.

CONTENT: with this proposal, the Commission seeks to ensure that the current parameters of the MSR (intake rate of 24 % and minimum amount to be placed in the reserve of 200 million allowances) are maintained beyond 2023 and until the end of Phase IV of the EU ETS on 31 December 2030 to ensure market predictability. The MSR intake rate would revert to 12 % after 2030.

#### Monitoring and reporting

The Commission will continue to monitor and evaluate the functioning of the EU ETS, including the MSR, in its annual Carbon Market Report. The initiative builds on the process based on integrated national energy and climate plans and the robust transparency framework for greenhouse gas emissions and other climate information. The Commission will use the information submitted and reported by Member States under the Governance Regulation as a basis for its regular assessment of progress. This includes information on greenhouse gas emissions,

policies and measures, projections and adaptation.

## Revision of the Market Stability Reserve for the EU Emissions Trading System

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The Committee on the Environment, Public Health and Food Safety adopted the report by Cyrus ENGERER (S&D, MT) on the proposal for a decision of the European Parliament and of the Council amending Decision (EU) 2015/1814 as regards the amount of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading scheme until 2030.

Members support the Commission's proposal to ensure that the current parameters of the market stability reserve (24% intake rate and minimum quantity to be placed in the reserve of 200 million allowances) are maintained beyond 2023 and until the end of phase IV of the EU Emissions Trading Scheme (EU ETS) on 31 December 2030, in order to ensure market predictability. The market stability reserve allowance rate would return to 12% after 2030.

The report pointed out that if the rate of the total number of allowances in circulation to be placed in the reserve each year reverts to 12 % after 2023, a significant and harmful surplus of allowances in the EU ETS could disturb market stability and the proper functioning of the EU ETS, and as a result jeopardise the achievement of greenhouse gas emission reductions necessary to meet legally binding climate targets. It is therefore important to ensure that the rate does not fall below 24% after 2023 and that the minimum number of allowances to be placed in the reserve does not fall below 200 million.

The committee responsible introduced a number of changes in the recitals of the proposal. The report stressed the following points:

- the urgency of the need to keep the Paris Agreement goal of 1.5 °C alive has become more significant following the findings of the IPCC in its report of 7 August 2021 entitled Climate Change 2021: The Physical Science Basis. The EU ETS, and therefore the reserve, should also be aligned with the efforts to limit the global temperature increase to 1.5°C above pre-industrial levels, recognising that this would significantly reduce the risks and impacts of climate change;
- the need to act urgently on the increased frequency and intensity of extreme weather events as a direct consequence of climate change. The EU should address this urgency by stepping up its efforts and establishing itself as an international leader in the fight against climate change;
- the need to mitigate climate change to maintain and improve the health of biodiversity, which also protects human health;
- the importance of achieving the EU's binding commitment to reduce net greenhouse gas emissions by at least 55% by 2030 compared to 1990 levels while leaving no one behind in a just transition.

The Commission should continuously monitor the functioning of the reserve and ensure that the reserve remains fit for purpose in the event of future unpredictable external shocks.

Members consider that the rate of 24 % after 2023 should be established separately from the general review of Directive 2003/87/EC and Decision (EU) 2015/1814 to strengthen the EU ETS in line with the Unions increased climate ambition for 2030 to ensure that there is market predictability.

## Revision of the Market Stability Reserve for the EU Emissions Trading System

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The European Parliament adopted amendments to the proposal for a decision of the European Parliament and of the Council amending Decision (EU) 2015/1814 as regards the amount of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading scheme until 2030.

Parliament supported the present decisions objective, that is to ensure that the current parameters of the market stability reserve (24% intake rate and minimum quantity to be placed in the reserve of 200 million allowances) are maintained beyond 2023 and until the end of phase IV of the EU Emissions Trading Scheme (EU ETS) on 31 December 2030, in order to ensure market predictability.

Members pointed out that if the rate of the total number of allowances in circulation to be placed in the reserve each year reverts to 12 % after 2023, a significant and harmful surplus of allowances in the EU ETS could disturb market stability and the proper functioning of the EU ETS, and as a result jeopardise the achievement of greenhouse gas emission reductions necessary to meet legally binding climate targets. It is therefore important to ensure that the rate does not fall below 24% after 2023 and that the minimum number of allowances to be placed in the reserve does not fall below 200 million.

Parliament introduced a number of changes in the recitals of the proposal. It emphasised the following points:

- the fact that the revision of the EU Emissions Trading Scheme (EU ETS), including its market stability reserve, is a unique opportunity to contribute to strengthening the EU's climate action ahead of the 27th Conference of the Parties (COP 27) to the UNFCCC in Egypt;
- the urgency of maintaining the Paris Agreement's objective of limiting global warming to 1.5°C in the light of the IPCC's findings in its report of 7 August 2021, entitled *Climate Change 2021: The Physical Science Basis*, as the report indicates that unless immediate and ambitious reductions in greenhouse gas emissions are made, it will no longer be possible to limit global warming to around 1.5°C or even 2°C;
- the need to act urgently on the increased frequency and intensity of extreme weather events as a direct consequence of climate change. The EU should address this urgency by stepping up its efforts and establishing itself as an international leader in the fight against climate change;
- the need to mitigate climate change to maintain and improve the health of biodiversity, which also protects human health. Parliament recalled its [resolution](#) of 28 November 2019 on the climate and environment emergency in which it urged the Commission to take immediate and ambitious action to limit global warming to 1,5 °C and to avoid massive biodiversity loss;
- the importance of achieving the EU's binding commitment to reduce net greenhouse gas emissions by at least 55% by 2030 compared to 1990 levels in a manner that is just and results in no one being left behind, including those at risk of energy poverty.

Parliament recalled that according to the 2021 Carbon Market Report, the total number of allowances in circulation increased again in 2020 to 1 579 billion from 1 385 billion in 2019. This sharp increase in the overall surplus is linked to a lower demand due to the COVID-19 crisis. The Commission estimates that it will take up to four years for that additional 2020 surplus to be absorbed, thereby further delaying the urgent need to absorb the historical surplus and make the EU ETS fit for purpose.

As a result, the Commission should continuously monitor the functioning of the reserve and ensure that the reserve remains fit for purpose in the event of unforeseeable external shocks.

Members consider that the rate of 24 % after 2023 should be established separately from the general review of Directive 2003/87/EC and Decision (EU) 2015/1814 to strengthen the EU ETS in line with the Unions increased climate ambition for 2030 to ensure that there is market predictability.

## Revision of the Market Stability Reserve for the EU Emissions Trading System

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The European Parliament adopted by 504 votes to 118, with 11 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council amending Decision (EU) 2015/1814 as regards the amount of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading scheme until 2030.

The European Parliament's position at first reading supports the decisions objective, that is to ensure that the current parameters of the market stability reserve (24% intake rate and minimum quantity to be placed in the reserve of 200 million allowances) are maintained beyond 2023 and until the end of phase IV of the EU Emissions Trading Scheme (EU ETS) on 31 December 2030, in order to ensure market predictability.

The amended text clarifies that maintaining the rate of 24 % in this Decision should be without prejudice to further revisions of the reserve, including, if appropriate, a further revision of the percentage rate for the determination of the number of allowances to be placed in the reserve, as part of the general revision of Directive 2003/87/EC and Decision (EU) 2015/1814 in 2023.

Without prejudice to further revisions of the reserve, the Commission should continuously monitor the functioning of the reserve and ensure that the reserve is kept fit for purpose in case of future unforeseeable external shocks. A robust and forward-looking reserve is essential to ensure the integrity of the EU ETS and to effectively steer the EU ETS so that it can contribute, as a policy tool, to achieving the Unions climate-neutrality objective by 2050 at the latest and to the aim of achieving negative emissions thereafter.

Lastly, the text stressed that it is even more significant to keep the Paris Agreement's objective of limiting global warming to 1.5°C following the findings of the Intergovernmental Panel on Climate Change in its Sixth Assessment Report that global warming can only be limited to 1.5 °C if strong and sustained reductions in global greenhouse gas emissions within this decade are immediately undertaken.

## Revision of the Market Stability Reserve for the EU Emissions Trading System

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**PURPOSE:** to amend Decision (EU) 2015/1814 as regards the number of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading system until 2030.

**LEGISLATIVE ACT:** Decision (EU) 2023/852 of the European Parliament and of the Council amending Decision (EU) 2015/1814 as regards the number of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading system until 2030.

**CONTENT:** the Decision on the market stability reserve has been revised in the Fit for 55 package that aims to enable the EU to reduce its net greenhouse gas emissions by at least 55% by 2030 compared to 1990 levels and to achieve climate neutrality in 2050.

The market stability reserve aims to address the surplus of emission allowances that has built up in the EU emission trading system (EU ETS) since 2009 and to improve the system's resilience to major shocks by adjusting the supply of allowances to be auctioned.

A robust and forward-looking reserve is essential to ensure the integrity of the EU ETS and to effectively steer the EU ETS so that it can contribute, as a policy tool, to achieving the Unions climate-neutrality objective by 2050 at the latest and to the aim of achieving negative emissions thereafter.

This Decision provides for the continuation of the current parameters of the market stability reserve (24% intake rate and minimum amount to be placed in the reserve of 200 million allowances) beyond 2023 and until the end of phase IV of the EU Emissions Trading Scheme (EU ETS) on 31 December 2030, in order to ensure market predictability.

In addition, further changes to the market stability reserve will be made in the next revision of the EU ETS.

**ENTRY INTO FORCE:** 15.5.2023.

## Transparency

DALUNDE Jakop G.	Shadow rapporteur	TRAN	12/10/2021	LKAB
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