



Brussels, **XXX**  
[...](2013) **XXX** draft

**COMMISSION IMPLEMENTING DECISION**

of **XXX**

**amending Commission Implementing Decision C(2012) 9432 so as to modify the Award Decision under the first call for proposals of the NER300 funding programme**

only the Spanish, German, Greek, English, French, Italian, Hungarian, Dutch, Polish, Portuguese, Finnish, Swedish language versions are authentic.

## COMMISSION IMPLEMENTING DECISION

of **XXX**

### **amending Commission Implementing Decision C(2012) 9432 so as to modify the Award Decision under the first call for proposals of the NER300 funding programme**

only the Spanish, German, Greek, English, French, Italian, Hungarian, Dutch, Polish, Portuguese, Finnish, Swedish language versions are authentic.

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC<sup>1</sup>, as amended by Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community<sup>2</sup>, and in particular Article 10a(8) thereof,

Having regard to Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO<sub>2</sub> as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council<sup>3</sup>, and in particular Article 5(5) thereof,

Having regard to Article 17(1) of the Treaty on European Union,

Whereas:

- (1) Article 10a(8) of Directive 2003/87/EC establishes a mechanism for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO<sub>2</sub> (hereinafter: "CCS") and demonstration projects of innovative renewable energy technologies (hereinafter: "RES"), covering 300 million allowances from the new entrants reserve of the EU Emissions Trading System (hereinafter: "NER300 funding programme").

---

<sup>1</sup> OJ L 275, 25.10.2003, p. 32.

<sup>2</sup> OJ L 140, 5.6.2009, p. 63.

<sup>3</sup> OJ L 290, 6.11.2010, p. 39.

- (2) Commission Decision 2010/670/EU sets out the rules and criteria for the selection and implementation of those projects and the basic rules for the monetisation of allowances and for the management of revenues.
- (3) Pursuant to Articles 5 to 9 of Commission Decision 2010/670/EU, the Commission published a first call for proposals covering the proceeds of 200 million allowances out of the 300 million allowances on 9 November 2010, followed by a selection procedure and the adoption of an Award Decision under the first call for proposals of the NER300 funding programme for 23 projects on 18 December 2012<sup>4</sup> (hereinafter: "Award Decision").
- (4) The Commission, during the following months, received notifications by Member States, where changes were proposed to some of the awarded projects. Following the procedure set out by Annex 2, points 4 and 5 of the Award Decision, the Commission carried out the assessments upon the technical and financial implications of the proposed changes on the projects, checked whether the Member States would support the potential changes and concluded that the duly justified changes should be implemented. In addition, one Member State requested to withdraw their project from the Award Decision. Therefore, this amendment to the Award Decision is necessary to take changes to six projects into account. It is also adjusted in the light of the withdrawal of one project. The whole Annex 1 to the Award Decision is replaced.
- (5) There are three types of amendments: a) the modification of date of entry into operation of a project; b) the request for granting of an upfront funding; c) technical and financial adjustments to the project definition. All changes are agreed and adopted on the understanding that they neither affect the scope of the projects and their feasibility, nor the results of the selection procedure, nor the maximum amount of funding.
- (6) Regarding the date of entry into operation, five projects are concerned. For all of them the date of entry in operation is shifted to 31 December 2016, in view of delays in permitting procedures or financial planning.
- (7) Two projects are granted upfront funding, according to Article 11(5) of Commission Decision 2010/670/EU, so as to improve the viability of their financing plans. The granting was agreed upon guarantee given by Member States that any funding which exceeds the amount determined pursuant to the Award Decision will be returned to the EIB.
- (8) Technical and financial adjustments to the project definition are required for one project insofar as, pursuant to Annex 2, point 4 of the Award Decision, the relevant costs to be taken into account for the final investment decision are now estimated lower than the relevant costs on the basis of which the Award Decision was determined.
- (9) One project is instead withdrawn because the available technologies are not sufficiently developed yet in order to meet the timeline requirements laid down by Article 9 and 11(1) of Commission Decision 2010/670/EU.

---

<sup>4</sup> Commission Implementing Decision C(2012) 9432.

- (10) This Decision also modifies Annex 3, point 7 of the Award Decision, in order to make it consistent with the provisions of Annex 2, point 3 of the Award Decision, where a distinction is made between the case of definite failure of a project to enter into operation from that of a definite cessation of operation. In the former case the Award Decision shall cease to have effect retroactively (*ex tunc*); in the latter as of the date of notification (*ex nunc*).
- (11) The measures provided for in this Decision are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annex 1 to Commission Implementing Decision C(2012) 9432 is replaced by Annex 1 to this Decision.

#### *Article 2*

In Annex 3 to Commission Implementing Decision C(2012) 9432, point 7 is replaced by the following text:

#### 7. Project failure

- (a) Where the Project, for other reasons than those set out in 5. definitively fails to enter into operation, the Project "*ex tunc*" loses its entitlement to receive funding under [*insert title of Legally Binding Instrument*] "and 5c shall apply. Where the Project definitively ceases operation, the Project *ex nunc* loses its entitlement to receive funding under [*insert title of Legally Binding Instrument*]".
- (b) The Project Sponsor shall notify [*insert details of competent authority of the Member State*] of any event that may lead to a situation referred to in paragraph a) within one week of its occurrence. [*insert details of competent authority of the Member State*] will determine whether or not the conditions referred to in paragraph a) are met and notify the Commission accordingly as specified in the Award Decision.
- (c) Based on the determination referred to in paragraph b) "regarding definitive cease of operation", [*insert details of competent authority of the Member State*] shall calculate any Excess Funding as defined in Annex I in accordance with Annex I.3 and shall notify the Project Sponsor of any Excess Funding within one month of the notification referred to in paragraph b).
- (d) Any Excess Funding notified to the Project Sponsor in accordance with paragraph c) shall be returned to [*insert details of competent authority of the Member State*] within three months of the notification referred to under paragraph c).

#### *Article 3*

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels,

*For the Commission*  
*Connie HEDEGAARD*  
*Member of the Commission*

**ANNEX 1 – Awarded projects**

RES

<b>Project</b>	<b>Status</b>	<b>Date of entry into operation</b>	<b>Long Stop Date</b>	<b>Maximum funding amount(EUR)</b>	<b>Funding rate/adjusted funding rate (EUR/MWh)</b>
SE BIOa Pyrogrot	<u>As confirmed by letter of Member State received on 18.10.2012</u> <u>As changed by notification of Member State dated 01.07.2013 and 11.09.2013</u>	<del>03.12.2015</del> <u>1.12.2016</u>	<del>02.12.2020</del> <u>0.12.2021</u>	31,404,829	12.15610
SE BIOc Gobigas phase 2	As confirmed by letter of Member State received on 18.10.2012	31.12.2016	30.12.2021	58,797,168	20.36160
IT BIOg BEST	As confirmed by letter of Member state received on 15.10.2012	01.06.2013	31.05.2018	28,430,147	26.79768
SE WINf Windpark Blaiken	As confirmed by letter of Member State received on 18.10.2012	01.01.2015	31.12.2019	15,000,000	5.77701

FI BIOe Ajos BTL	As confirmed by letter of Member State received on 24.10.2012	31.12.2016	30.12.2021	88,486,580	17.38795
<b>Project</b>	<b>Status</b>	<b>Date of entry into operation</b>	<b>Long Stop Date</b>	<b>Maximum funding amount(EUR)</b>	<b>Funding rate/adjusted funding rate (EUR/MWh)</b>
AT WINE Windpark Handalm	As confirmed by letter of Member State received on 10.10.2012	30.09.2016	29.09.2021	11,259,564	41.35745
FR BIOd UPM Stracel BTL	As confirmed by letter of Member State received on 26.10.2012	31.12.2015	30.12.2020	169,960,000	36.88385
DE WINa Innogy	As confirmed by letter of Member State received on 17.10.2012	31.12.2015	30.12.2020	70,000,000	15.40253
EL CSPc Minos	<del>As confirmed by Letter of Member State received on 12.10.2012</del> <u>As changed by notification of Member State dated 28.06.2013 and 09.09.2013</u>	<del>31.12.2015</del> <u>31.12.2016</u>	<del>30.12.2020</del> <u>30.12.2021</u>	42,041,991	114.98665

UK OCNb Sound of Islay	As confirmed by letter of Member State received on 16.10.2012	31.10.2016	30.10.2021	20,650,000	185.73861
BE DRMc SLim	As confirmed by letter of Member State received on 9.10.2012	31.12.2015	30.12.2020	8,165,192	12.23697
<b>Project</b>	<b>Status</b>	<b>Date of entry into operation</b>	<b>Long Stop Date</b>	<b>Maximum funding amount(EUR)</b>	<b>Funding rate/adjusted funding rate (EUR/MWh)</b>
DE BIOh Verbiostraw	As confirmed by letter of Member State received on 17.10.2012	03.01.2014	02.01.2019	22,272,049	59.14538
HU GEOb South Hungarian Enhanced Geothermal System (EGS) Demonstration	<del>As confirmed by letter of Member State received on 15.10.2012</del> <u>As changed by notification of Member State dated 02.07.2013 and 11.09.2013</u>	31.12.2015	30.12.2020	39,295,008	<u>The project will receive upfront funding as follows: 41.4778</u> <u>4</u> <u>16,000,000 EUR on 01.04.2014</u> <u>7,600,000 EUR on 01.04.2015</u> <u>This results in an adjusted funding rate of 56.50834</u>



EL CSPe Maximus	<u>As confirmed by letter of Member State received on 12.10.2012</u> <u>As changed by notification of Member State dated 28.06.2013, 09.09.2013 and 09.10.2013</u>	<u>01.06.2015</u> <u>1.12.2016</u>	<u>31.05.2020</u> <u>0.12.2021</u>	44,550,000	99.82808
FR WIND Vertimed	As confirmed by letter of Member State received on 26.10.2012	31.12.2016	30.12.2021	34,316,460	110.95417
<del>IE-OCNa</del> <del>Westwave</del>	<del>As confirmed by letter of Member State received on 24.10.2012</del>	<del>31.12.2015</del>	<del>30.12.2020</del>	<del>19,828,007</del>	<del>429.60306</del>
<b>Project</b>	<b>Status</b>	<b>Date of entry into operation</b>	<b>Long Stop Date</b>	<b>Maximum funding amount(EUR)</b>	<b>Funding rate/adjusted funding rate (EUR/MWh)</b>
NL BIOD Woodspirit	As confirmed by letter of Member State received on 25.10.2012	28.11.2016	27.11.2021	199,000,000	The project will receive upfront funding as follows:  39,800,000 EUR on 01.02.2014

					39,800,000 EUR on 01.02.2015 39,800,000 EUR on 01.01.2016 This results in an adjusted funding rate of 16.72407
PL BIOg CEG Plant Goswinowice	As confirmed by letter of Member State received on 29.10.2012	1.7.2014	30.06.2019	30,875,015	29.40478
DE WINa Veja Mate	As confirmed by letter of Member State received on 17.10.2012	1.1.2016	31.12.2020	112,603,636	42.07065
<b>Project</b>	<b>Status</b>	<b>Date of entry into operation</b>	<b>Long Stop Date</b>	<b>Maximum funding amount(EUR)</b>	<b>Funding rate/adjusted funding rate (EUR/MWh)</b>
ES CSPc PTC50-Alvarado	As confirmed by letter of Member State received on 16.10.2012	30.10.2016	29.10.2021	70,000,000	66.91243

CY CSPe HeliosPower	<u>As confirmed by letter of Member State received on 16.10.2012 As changed by notification of Member State dated 10.05.2013 and 12.09.2013</u>	<u>17.10.2014</u> <u>3</u> <u>1.12.2016</u>	<u>16.10.2019</u> <u>3</u> <u>0.12.2021</u>	46,621,458	107.77261
UK OCNb Kyle Rhea Tidal Turbine Array	<u>As confirmed by letter of Member State received on 16.10.2012 As changed by notification of Member State dated 12.09.2013</u>	<u>14.04.2015</u> <u>3</u> <u>1.12.2016</u>	<u>13.04.2020</u> <u>3</u> <u>0.12.2021</u>	<u>18,397,432</u> <u>16.</u> <u>777,548</u>	<u>246.48964</u> <u>The project will receive upfront funding as follows:</u> <u>10,000,000 EUR on 01.04.2016</u> <u>This results in an adjusted funding rate of</u> <u>107.680116</u>
PT WIND Windfloat	As confirmed by letters of Member State received on 29.10.2012 and on 9.11.2012 <sup>5</sup>	31.12.2015	30.12.2020	29,990,526	109.70472

<sup>5</sup> The confirmation was completed and clarified in a subsequent letter received on 9.11.2012.