Index

Aarhus Convention described 126
ET Directive interfaces see ET Directive, Aarhus Convention interfaces
EU ETS and 10–11, 125–6, 147–8 implementation in EU 128–32
see also Kiev Protocol; legislation
AAUs (assigned amount units) 63, 113, 115
access to information
ET Directive provisions 138–40
see also accountability; knowledge; public participation
Access to Information Directive (2003/04/EC)
Aarhus Convention implementation and 128, 129–30
data registries and 144, 145
ET Directive/Aarhus Convention interfaces and 133
Linking Directive and 139, 140
NAPs and 136
see also Directives
accountability
Aarhus Convention and EU ETS provisions 125
UNFCCC provisions 125–6
see also access to information
accuracy
costs and, EU ETS enforcement 174–5
Acid Rain Programme see SO₂ ET Programme (USA)
aquis communautaire
compliance with, by JJ projects,
Linking Directive regulatory scope and 114–15
activities
capacity building, support of, Linking Directive regulatory scope and 118
cessation of, protectionist approach in
event of, harmonization of allocation process and 85–7
installations and, permits for, ET Directive 126–7
agreements
policy challenges 4
voluntary, instrument mix and 287–8
see also individually named agreements
Ahern, Bertie 61
Airports Council International 270
allocation
ET Directive and 83, 92–4, 95
method see allocation process
permits, of 12, 208–9
tradable emission rights, GATT and 209
see also NAPs
allocation process
ET Directive and 9–10, 83–4
benchmarks 91–2
grandfathering 87–91
harmonization among Member States, need for 84–7
see also NAPs
allowances
allocation of see allocation
auctioning see allowances auctioning
EU ETS compliance, for, Linking Directive regulatory scope and 104–8
EU ETS enforcement sanctions and 182–3
IPPC and GHG permits and 157–8
allowances auctioning
equal treatment and allocation process 10
SO₂ ET Programme and 193–4
successful ET programme and, USA 196–7, 198
ALTENER programme 228, 287
appliances see products
ASAs (air service agreements) 245, 246, 268–9
see also aviation
ATS (Allowance Tracking System (USEPA)) 193, 194, 197, 198
auctioning see allowances auctioning
Australia
good governance issues for developing countries and 311
aviation
Air Framework Directive 154
see also ASAs; kerosene issue
Banuri, Tariq 304
Barroso Commission 279
BAT (best available technologies)
ET Directive and 11, 156
definition of, IPPC Directive 159
emission limit values based on, IPPC Directive 156–7, 164, 165–6
permit obligations based on, IPPC Directive 162
Linking Directive and 114
regulatory approach and 11, IPPC Directive 155
Russia and 55, 56
see also best available practices; BREFs; technology
behavioural change
developing country good governance issue 311–12
Belgium
ET Directive implementation 70
benchmarks
allocation process under ET Directive 91–2
best available practices
global modernization and, good governance challenge 304
good governance regime design for developing countries and 310
see also BAT; BREFs
Bhagwati, Jagdish 306–7
biofuels
Energy Products Taxation Directive and 264–5
promotion of use of, Directive 2003/30/EC 15, 228–9, 288
see also energy
Bonn Agreement 6, 42–3
Brasserie du Pêcheur case 73, 76–7
BREFs (Best Available Technique Reference Documents) 114–15
see also BAT; best available practices
BTA (Border Tax Adjustment)
carbon levy and 210
environmental window in SCM Agreement and 215
GATT and 210, 211–13
WTO Agreement and 210, 211
see also taxation
building
capacity see capacity building
burden
disproportionate or abnormal, need to consider, UNFCCC principle 30
tax, on road transport, Energy Products Taxation Directive and 267–8
burden-sharing
instrument mix and 286
Kyoto Protocol provisions 6–7, 39–40
Burden Sharing Agreement 4, 7, 86, 87
CAA (Clean Air Act 1970 (USA))
grandfathering and 87
kerosene issue and 270
SO2 ET Programme and 189, 192, 193
successful ET programme and 195, 197
see also legislation
capacity building
good governance challenge 306
support of, Linking Directive regulatory scope and 118
carbon levy
described 209–11
GATT and 211–17
see also taxation
CDM (Clean Development Mechanism)
allocation process and 88, 91
challenges 100–102, 118, 199
described 100
ET Directive and 142
EU ETS enforcement and 169
EU legislation and 224
funding mechanisms and 305
Linking Directive and 10, 103, 108, 113, 118
nature and objectives 99
registry, trading CERs within EU ETS and 107–8
CEM (continuous emissions monitoring) (USA) 194, 197
see also emissions; monitoring
CERs (certified emission reductions) CDM and 100
ET Directive and 134, 139, 142
funding mechanisms and 305
JI projects, Linking Directive 116
project scope, Linking Directive 108–10, 111
see also emissions certification
EU ETS and SO₂, ET Programme compared 200–201
RECerT (Renewable Electricity Certificate Trading) system 228
challenges
CDM and JI 100–102
environmental policy 4–5, 10–11
EU ETS and project-based mechanisms linking 118–19
see also good governance challenges; policy challenges
Chicago Board of Trade 193, 198
Chirac, Jacques 60
CHP (combined heat and power) Directive 2004/8/EC 229
Energy Products Taxation Directive provisions 245
see also energy citizens
state liability to, ET Directive implementation and 73–8
Climate Change Convention 289
Climate Change Policy dossier 6
Commission allocation and 83, 84, 90, 95
climate change policy need and 291–2, 293
climate change structure 284–5
competences and 260
data registries and 144
diesel taxation and 249–50
ECCP and 225, 281–4
energy demand measures and 230
energy end-use efficiency and energy services Directive and 231
Energy Products Taxation Directive and 242, 243, 244, 247, 262
enforcement by 6, 13, 19
ET Directive implementation and 8, 71–2, 79
ET Directive review and reporting and 127
EU ETS enforcement and 170, 184, 185–6
good governance and 17
installations and, temporary exclusion from EU ETS 137
kerosene issue and 269, 270
Linking Directive and 107, 110, 111
NAP Guidance, public participation provisions 135–7, 147
permit procedures and 160
policy and 223
policy framework 7, 43–4, 44–5, 46–7, 48
promotion of use of biofuels Directive and 228, 229
Renewables Directive and 226–7
road transport taxation and 250
Russia–EU environmental cooperation, Communication on 53–4
state aid and taxation and 248, 251
taxation and 286
taxation implementation and 257, 259
tradable emission rights allocation and 209
UNFCCC flexible mechanisms and 99
voluntary agreements and 287
see also Decisions; Green Papers; White Papers
commitments
concrete, of UNFCCC parties 31–2
emission reduction, policy challenges 4, 18–19, 20
see also duties; obligations; responsibilities
Committee of the Regions 260
common spaces
four, Russia–EU relationship 51, 56–7
Index

Common Strategy 1999 52–3, 60

compensation

excess allowances, EU ETS enforce-
ment sanctions 182

see also damages

competences

institutional, for policy interventions
17–18, 19, 258–61

compliance

acquis communautaire, by JI projects,
Linking Directive regulatory scope and 114–15

Decision 280/2004/EC and 19

emission reduction commitment 4, 18–19, 20

EU ETS, credits for, use of, Linking
Directive regulatory scope and 104–8

German ETS, fundamental rights and
92–3

see also implementation

conduct

Member State, of, direct link between
damage to individual and 77–8

Conference on Financing the Environ-
ment 305

Constitution 280

see also legislation; Treaty Establish-
ing a Constitution for Europe

consumers

energy intensive, Energy Products
Taxation Directive and 262–3

control

decentralized, EU ETS and SO2, ET
Programme compared 200

Convention on International Civil
Aviation (Chicago Convention) 268

see also legislation

COOPENER programme 287

cooporation

duty of, Court of Justice and 80

Russia–EU environmental 53–4, 62–4

COP (Conference of the Parties) 35–7, 302

see also parties

cost-benefit analysis

policy framework 47

cost-effectiveness

regulation, of, allocation under ET
Directive and 93

UNFCCC principle 30–31

costs

accuracy and, EU ETS enforcement
174–5

see also financial penalty; funding
mechanisms; prices

Council

climate change policy need and 292

competences and 260

diesel taxation and 249–50

ECCP and 281–4

Energy Products Taxation Directive
and 242, 247

legislation and 228, 231–2, 234

policy challenges 5

policy framework 7, 43, 44–5, 46–7,
47–8

political importance of climate change
and 279

road transport taxation and 250–51

taxation implementation and 256, 258,
259

Court of First Instance 83, 90

Court of Justice

liability of Member States and, ET
Directive implementation 8–9, 72

breach of rights and 75

case-law 73, 74, 76–8, 79

duty of cooperation and 80

taxation implementation and 257, 263,
265, 271

credits see allowances

CSE (Centre for Science and Environ-
ment) 304

CTE (Committee on Trade and Environ-
ment) 212

Dales, J.H. 95

damage

individual, to, direct link between

Member State conduct and 77–8

damages

liability of Member States for, ET

Directive and 9

see also compensation

Das, Gurcharan 307

data

uncertainty, misstatements and, EU
ETS enforcement 176–7
data registries
ET Directive and 143–5
see also EPER; Kiev Protocol; PRTR
De Rivero, Oswaldo 307
debate
scientific and political in 1970s and 1980s, international policy framework 22–3
Decisions
93/389/EEC 45, 46, 135
280/2004/EC 19, 46, 13, 136
1600/2002 281
2004/156/EC 69, 70
2005/381/EC 144
see also Commission; legislation
definitions
BAT 159
installations, variations in, harmonization of allocation process and 84–5
see also problem definition
demand
energy, EU measures 230–35
developing countries
good governance issues 308–12
see also rich countries; states
development
regime 22–7, 35–7
rights of, UNFCCC principle 31
sustainable see sustainable development
diesel see energy
Dillenkofer case 76
Dimas, Stavros 83, 90, 95
Directives
Access to Information (2003/04/EC)
see Access to Information Directive
Air Framework 154
batteries 247
CHP (2004/8/EC) 229
eco-design for energy-using appliances (2005/32/EC) 46, 235
EIA 131
energy efficiency for lighting (2000/55/EC) 231
energy end-use efficiency and energy services 15, 47, 231–2, 233
excise duties for petroleum products (92/81/EEC) 269
excise duties for petroleum products (92/82/EEC) 262
Eurovignette 250
household appliances 233
Household Labelling (92/75/EC) 15–16, 233
IPPC see IPPC Directive
Landfill 114, 288
Large Combustion Plants 114, 155
Linking (2004/101/EC) see Linking Directive
office appliances 234–5
packaging waste 247
Public Participation (2003/35/EC) 129, 131, 133, 135, 140
promotion of use of biofuels (2003/30/EC) 15, 228–9
renewables (2001/77/EC) 15, 45, 226–8, 288
RoHS 206
SAVE (93/76/EEC) 43, 230
SEA (2001/42/EC) 111, 135
waste oils disposal (75/439/EEC) 271
waste oils disposal (87/101/EEC) 271
water framework 247–8
WEEE 206
see also instruments; legislation; measures
discretion
Member States 4, 6, 10, 153
dominance
rich country, good governance and, policy framework 18
DOPs (domestic offset projects)
Linking Directive regulatory scope and 117–18
see also projects
double counting
JI projects, Linking Directive regulatory scope and 115–16
duties
cooperation, Court of Justice and 80
see also commitments; obligations; responsibilities

EC Treaty
allocation process and 91, 95
ECCP and 281, 284
ET Directive implementation and 71, 72, 78, 79
instruments mix and 285, 287–8
legislation and 234
Linking Directive and 106
permits and 155, 164
policy and 224–5
policy framework 16, 17
political and legal frame for policy and 280
taxation and 248
taxation implementation and 256, 258
see also legislation
ECCP (European Climate Change Programme)
EU ETS and project-based mechanisms linking and 102–3
legislation and 225–6
policy framework 45, 46–7
political and legal frame for policy and 281–4
taxation implementation and 256
ECOFIN (Economic and Financial Affairs Council) 242
Ecofys 84, 85, 87
ECOSOC (Economic and Social Committee) 259, 260
EEA (European Economic Area) 254–5
EEA (European Environmental Agency) 19–20
EIA (Environmental Impact Assessment) Directive 131
ET Directive and, procedural links 142
Linking Directive and 112
see also SEA
EIONET (European Environment Information and Observation Network) 136
electricity
prices, allocation process under ET Directive and 90–91
Renewables Directive (2001/77/EC) 15, 45, 226–8, 288
taxation, Energy Products Taxation Directive provisions 245, 263–4, 266
see also energy emissions
cap, successful ET programme and, USA 194–5
limit values based on BAT, IPPC Directive 156–7, 164, 165–6
reduction commitment, policy challenges 4, 18–19, 20
rights, tradable, GATT and 209
see also CEM; CERs; ERUs
emissions trading
allocation process see allocation process Directive 2003/87/EC see ET Directive
enforcement, specific provisions needed for 171–2
Germany 89, 92–3
instrument mix and 286
IPPC integration and, legal implications 161–3
IPPC versus 156–7
ISET 169
markets, successful ET programme and, USA 198
multi-pollutant, towards, EU ETS enforcement and 172
policy challenges 8–15
Scheme Rules (UK) 138
USA see USA
see also ET Directive; EU ETS; international trade law; taxation
energy
consumption, taxing, Energy Products Taxation Directive and 265–6
diesel taxation 249–50
efficiency, legislation 15, 47, 231–3, 257–8
inputs, in production process, taxation under WTO Agreement and GATT 213–14
nuclear, Energy Products Taxation Directive and 266
performance of buildings Directive
2002/91/EC 7, 46, 230–31, 287, 289
products using, Directives on 46,
233–5
regulation, policy challenges 15–17
saving and alternative, instrument mix
and 287
see also biofuels; CHP; electricity;
Energy Products Taxation
Directive; energy-related
measures; kerosene issue
Energy Council 281, 282
energy package
policy challenges 5–6, 19
policy framework 15–16
energy-related measures
EU climate change policy and 226,
235–6
demand 230–35
supply 226–30
see also energy; legislation; measures
Energy Products Taxation Directive
(2003/96/EC)
environmental taxes and 242–6
policy challenges 16–17
taxation implementation and 257, 261,
272–3
environmental incentives requiring
further improvements 261–6
kerosene issue 268–71
market distortions not supported by
environmental reasons 266–7
road transport, total energy tax
burden on 267–8
tax treatments in breach of EU law
271
see also Directives; energy; taxation
Energy Star label programme 234–5
enforcement
Commission, by 6, 13, 19
EU ETS 169–70
conclusion and outlook 183–6
legal obligations for industry within
172–3
monitoring 174–80
multi-pollutant emissions trading,
towards 172
policy framework 12–13
reporting 176
sanctions 180–83
specific provisions for emissions
trading, need for 171–2
strong package, need for 170–71
EU ETS and SO2 ET Programme
compared 13
successful ET programme and, USA
199
USEPA and 194
environment
concerns, insertion into policy,
taxation and 258–9
effects on, EU ETS and SO2 ET
Programme compared 200
law, permits and 154–6
policy challenges 4–5, 10–11
reasons of, market distortions not
supported by, Energy Products
Taxation Directive and 266–7
Russia–EU cooperation 53–4, 62–4
Environment Council 5, 47, 48, 281, 282
Environmental Action Programme (Sixth,
2002) 4–5, 153, 235, 281
environmental assessment see EIA; SEA
environmental window
SCM agreement, in, taxation under
WTO Agreement and GATT
214–16
EPER (European Pollutant Emission
Register) 140, 143, 146–7
see also data registries; Kiev Protocol;
PRTR
equal treatment
allocation process and 9–10
equity
common but differentiated responsi-
bilities and, UNFCCC principle
29–30
simplicity and, good governance
regime design for developing
countries 309–11
ERUs (emission reduction units)
ET Directive and 134, 139, 142
JI and 99–100
Linking Directive and
credits for compliance, use of 104,
106, 107
JI projects 111–12, 115, 116
project scope 108, 109, 110, 111
see also emissions
  Aarhus Convention compared 11
  Aarhus Convention interfaces 132–3, 147–8
  access to information provisions 138–40
  data registries 143–5
  EIA and SEA, procedural links 142
  European Pollutant Emission Register, proposed PRTR 146–7
  Kiev Protocol on Pollutant Release and Transfer Registers (PRTR) 145–6
  public participation provisions 133–8
  Access to Information Directive and 130
  Access to Justice Directive and 132
  allocation under 83, 92–4, 95
  allocation process under 9–10, 83–4
  benchmarks 91–2
  grandfathering 87–91
  harmonization among Member States, need for 84–7
  emissions cap and, SO₂ ET Programme compared 195
  EU ETS enforcement and 12
  legal obligations for industry 173
  monitoring, reporting and verification 170, 174, 175–9
  sanctions not prescribed by 183
  sanctions under 180–83
  implementation, liability issues and 8–9, 69–70, 79–80
  state to citizens 73–8
  state to institutions 70–72
  state to Kyoto Protocol parties 78–9
  instrument mix and 286
  IPPC Directive links, public participation 141–2
  key provisions 126–7
  permits under see permits
  policy framework 7, 45, 46
  Public Participation Directive and 131
  see also Directives; emissions trading; EU ETS
  ETC/ACC (European Topic Centre on Air and Climate Change) 136
ethics
  EU ETS and 127–8
  EU ETS (European Union Emissions Trading Scheme)
  Aarhus Convention and 10–11, 125–6, 147–8
  allocation and 83
  allocation process and 85, 87, 89, 90, 91, 94
  enforcement see enforcement, EU ETS
  ethical dimension 127–8
  kerosene issue and 270
  project-based mechanisms linking with 98
  CDM and JI 99–102
  challenges ahead 118–19
  flexible mechanisms within
  UNFCCC, EU perspective on negotiations of 98–9
  European Climate Change Programme 102–3
  Linking Directive see Linking Directive
  SO₂ ET Programme compared 13–14, 195, 199–201
  taxation and 240, 246
  temporary exclusion from, ET Directive public participation provisions and 137–8
  see also emissions trading; ET Directive
  European Convention on Human Rights 132
  see also legislation
  Eurostat 136
  ex-post adjustments
  allocation process under ET Directive 89–90
  exports
  production externalities and globalization, taxation under BTA and GATT 213
  External Relations Council 60
  FAO (Food and Agriculture Organisation) 26
  financial penalty
  EU ETS enforcement sanctions 181–2
  see also costs
France
 allocation process and, harmonization among Member States 84, 85–6
 Francovich case 73, 74
 freedom of choice
 successful ET programme and, USA 197–8
 funding mechanisms
 good governance challenge 305
 see also costs

GATS (General Agreement on Trade in Services) 207–8
GATT (General Agreement on Tariffs and Trade)
carbon levy and 216–17
 BTA (Border Tax Adjustment) 210, 211–13
 WTO Agreement 210, 213–16
 Energy Products Taxation Directive and 263, 264
 international trade law and GATS or TRIMs or 207–8
 MEA or unilateral TREM 208
 permits allocation 208–9
 tradable emission rights allocation 209
 WTO Agreement and 206–7
 see also WTO
 General Accounting Office (USA) 189–90

Germany
 allocation based on grandfathering, ET Directive and 88–9
 allocation process and cost-efficient regulation 94
 ex-post adjustments 89, 90
 harmonization among Member States 84, 85
 state aid 91
 ETS 89, 92–3
 GHG (greenhouse gas)
 ETS see EU ETS
 Monitoring Mechanism/Inventory, NAPs and 136
 permits see permits
 Global Environment Facility 300, 305
 globalization
 modernization and, good governance challenge 304
 policy challenges 5
 production externalities and, taxation under BTA and GATT 212–13
 good governance
 North-South perspective 297–8
 challenges see good governance challenges
 developing country issues 308–12
 policy framework 17–18
 good governance challenges
 best available practices to modernize globe 304
 capacity building 306
 changing political paradigms 299
 different regimes, multiple messages from 306–7
 domestic 307
 funding mechanisms 305
 long-term target, absence of 302–3
 negotiation processes 301–2
 problem definition 298–9
 short-term targets, based on horse-trading and poor precedent 303–4
 technology transfer 305
 transatlantic divide, deepening 300–301
 see also challenges
 Gothenburg Council 225
 grandfathering
 allocation process under ET Directive 87–91
 Green Papers
 energy efficiency 232, 257–8
 security of energy supply 256
 see also Commission; legislation
 Hague Summit on the Protection of the Atmosphere 23–4
 harmonization
 allocation process, need for 84–7
 EU ETS enforcement and, monitoring 174
 JI regulations, Linking Directory regulatory scope and 112–14
 ‘hot air trading’
 Russia and 8, 64
 ICAO International Civil Aviation Organization) 269–70
ICSU (International Council of Scientific Unions) 22–3, 26
IEA (International Energy Agency) 24
IEM (Internal Energy Market) 256, 257, 261, 271
see also markets
Illarionov, Andrei 57–8, 62
implementation
ET Directive, by Member States, liability issues and 8–9, 69–70, 79–80
taxation regime 256–61, 271
see also compliance; JI
imports
production externalities and globalization, taxation under BTA and GATT 213
individual
damage to, direct link between Member State conduct and 77–8
industry
diverse processes in, EU ETS and SO₂ ET Programme compared 200
energy-intensive, Energy Products Taxation Directive provisions 245
EU ETS, within, legal obligations for 172–3
regulated entities in, EU ETS and SO₂ ET Programme compared 200
see also PPMs
information see access to information; knowledge
inputs
energy, in PPMs, taxation under WTO Agreement and GATT 213–14
production, tax differentiation according to, Energy Products Taxation Directive and 263–5
installations
activities and, permits for, ET Directive 126–7
data registries and 144
‘naming and shaming’ 139
temporary exclusion from EU ETS 137–8
variations in definition of, harmonization of allocation process and 84–5
institutions
competences for policy interventions, taxation implementation and 258–61
state liability to, ET Directive implementation and 70–72
instruments
good governance, policy framework 17–18
market-based see MBI
mix 279–80, 285
assessing 288–90
burden sharing 286
emission trading 286
energy saving and alternative energies 287
other measures 288
substances ban 287
taxes 286
voluntary agreements 287–8
policy challenges 5–6
see also Directives; legislation; measures
international agreements
policy challenges 4
international trade
no unjustifiable discrimination or disguised restriction on, UN-FCCC principle 31
international trade law
taxation and 216–17
GATT 206–9
TREMs and MEAS 205–6
see also emission trading; law; legislation
IPCC (Intergovernmental Panel on Climate Change) 23, 25–6, 290, 291, 298
see also UNEP
IPPC (Integrated Pollution Prevention and Control)
Directive see IPPC Directive
emissions trading versus 156–7
integration, legal implications for emissions trading 161–3
permits see permits
IPPC Directive
data registries and 143
ET Directive, public participation 141–2
EU legislation and 141–2, 229–30
Linking Directive and 114, 140
NAPs and 135
permits under see permits
policy challenges 6
Public Participation Directive and 131, 140
see also Directives
ISET (inter-state emissions trading) 169
Italian alleingänge
Russia–EU relationship and 59
ITL (independent transaction log) 108
JI (joint implementation)
allocation process and 88, 91
described 99–100
ET Directive and 142
EU ETS enforcement and 169
EU legislation and 224
key challenges 100–102
Linking Directive and 10, 103, 108, 118
nature and objectives 99
projects, Linking Directory regulatory scope and 111–12
regulations harmonization, Linking Directory regulatory scope and 112–14
Russia and 8
Johannesburg World Summit on Sustainable Development 2002 54–6
see also sustainable development
kerosene issue
Energy Products Taxation Directive and 268–71
policy framework 17
see also aviation; energy
Kiev Protocol on PRTR 143, 145–6
see also Aarhus Convention; data registries; PRTR
Khor, Martin 307
KISS model 310
Klober case 73
knowledge
EU ETS and SO2, ET Programme compared 200
see also access to information
Kyoto Protocol
Access to Information Directive and 130
accountability provisions 126
allocation process and 87
climate change policy need and 291
compliance, emission reduction commitment and 4
Decision 280/2004/EC and 19
EIA and SEA procedural links 142
energy package and 15
entry into force 41
EU and 279
EU ETS enforcement and 169
EU legislation and 223–4
good governance challenges and 299, 303, 304, 305
instrument mix and 286, 289–90
international policy framework 37, 38–40
international trade law and 206, 208, 217
parties 6–7, 39–40, 78–9
policy framework 6–7, 44
project-based mechanisms see project-based mechanisms
ratification of, EU–Russia relationship and see Russia–EU relationship
taxation and 14–15
see also Linking Directive; UNFCCC
law
permits and 154–6
serious breach of, state liability to citizens and, ET Directive implementation 76–7
tax treatment as breach of, Energy Products Taxation Directive and 271
see also international trade law; legislation
LDC (Least Developed Country) Fund 305
legal certainty principle
allocation process and 85, 90
legislation
Aarhus Convention see Aarhus Convention
Allocation of Allowances Act 2007 (Germany) 90
Clean Air Act 1970 (USA) see CAA
Commission climate change structure and 285
Constitution 280
Convention on International Civil Aviation (Chicago Convention) 268
EC Treaty see EC Treaty
Emissions Control Act (Germany) 92–3
Emissions Trading Act (Germany) 93
European Climate Change Programme and 225–6
European Convention on Human Rights 132
Law on Environmental Protection 2002 (Russia) 55
policy and 223, 224–5
TEU see TEU
Treaty Establishing a Constitution for Europe see Treaty Establishing a Constitution for Europe
UNFCCC and Kyoto Protocol and 223–4
see also Decisions; Directives; Green Papers; instruments; law; measures; White Papers
liability
Member States, of, ET Directive implementation and 8–9, 69–70, 79–80
citizens, to 73–8
institutions, to 70–72
Kyoto Protocol parties, to 78–9
data registries and 143
ET Directive access to information provisions and 139–40, 147
function 98
NAPs and 134
policy challenges 10
preparatory works 103
project mechanisms and 10
project scope 108–11
regulatory scope 103–4
capacity building activities, support of 118
credits for compliance, use of 104–8
domestic offset projects 117–18
JI projects, specific aspects regarding 111–16
see also Directives
LULUCF (Land Use, Land Use Charge and Forestry) 108–9
markets
distortions not supported by environmental reasons, Energy Products Taxation Directive and 266–7
emissions trading, successful ET programme and, USA 198
see also IEM: MBI
Marrakesh Agreement 6, 19, 42–3
Matteoli, Altero 59
MBI (market-based instruments) 240 see also instruments; markets
MEAS (multilateral environmental agreements) TREMs and, international trade law 205–6
unilateral TREMs or, GATT and, international trade law 208
measures
current internal, whether approach sound and meaningful 3–4
energy and climate change see energy package
energy-related see energy-related measures
enforcement by Commission, policy challenges 6
purpose of, policy challenges 6 see also Directives; instruments; legislation; TREMs; TRIMS
mechanisms see funding mechanisms; project-based mechanisms
Member States allocation process and, need for harmonization of 84–7
conduct of, direct link with damage to individual 77–8
decentralized control and, EU ETS and SO2 ET Programme compared 200
discretion 4, 6, 10, 153
liability of, ET Directive implementation and 8–9, 69–70, 79–80
citizens, to 73–8
institutions, to 70–72
Kyoto Protocol parties, to 78–9 see also state aid; states
MFN (most favoured nation) principle
GATT, GATS or TRIMS, international trade law 207
misstatements
   data uncertainty and, EU ETS enforcement 176–7
MNR (Ministry for Natural Resources) (Russia) 54
monitoring
   Decision 93/389/EEC, EU policy 45, 46
   Decision 280/2004/EC 19, 46
   EU ETS enforcement 174–80
policy challenges 6
see also CEM; record-keeping; reporting
multilateralism
developing country good governance issue 308

NAAQS (National Ambient Air Quality Standards) (USA) 196–7
naming and shaming
   ET Directive access to information provisions and 138–9
   EU ETS enforcement sanctions 180–81
NAPs (National Allocation Plans)
   Aarhus Convention and 11
data registries and 143, 144
   ET Directive and 8, 69, 71, 134–7, 147
kerosene issue and 270
   Linking Directive and 104, 105, 106, 112
   permits allocation under GATT 209
US acid rain allowance trading programme and EU ETS compared 13
see also allocation; allocation process
National Adaptation Programmes of Action 305
negotiations
   flexible mechanisms within UNFCCC, EU perspective on 98–9
   intergovernmental, towards, international policy framework 23–5
   processes, good governance challenge 301–2
UNFCCC, mandate for, international policy framework 27
Netherlands
   allocation process and, state aid 91
good governance challenges and 303
   Linking Directive and 105
taxation implementation and 265
new entrants
   variation in treatment of, harmonization of allocation process and 85
New Zealand
   taxation methodology 212
Nikonov, Vyacheslav 58
   Noordwijk Ministerial Conference 24–5
   numbers
   EU ETS and SO₂ ET Programme compared 200
obligations
   legal, for industry within EU ETS 172–3
   legally binding, need for 3
   permit, based on BAT, IPPC Directive 162
see also commitments; duties; responsibilities
OECD (Organization for Economic Cooperation and Development) 24, 26, 210, 211–12
Outokumpu case 257, 263, 265
Parliament
   allocation process and 86
   climate change policy need and 292
   competences and 260
diesel taxation and 249
   Energy Products Taxation Directive provisions 247
   legislation and 228, 231–2, 233
   policy framework 7, 17, 47, 48
   political importance of climate change and 279
   road transport taxation and 251
taxation implementation and 259
parties
   Kyoto Protocol
      burden-sharing provisions 6–7, 39–40
state liability to, ET Directive implementation and 78–9
UNFCCC
   concrete commitments 31–2
preferential status of certain 34–5
responsibilities 29–30, 32–4
see also COP
Patten, Chris 56
PCA (Partnership and Co-operation
Agreement) 1997 (EU–Russia)
described 51–2
extension, controversies surrounding
59–60
Kyoto Protocol ratification and 7
WTO and Kyoto link 61–2
see also Russia–EU relationship
permits
allocation of, GATT and 208–9
ET Directive, under 126–7
EU ETS enforcement and 175–6
GHG, information on, ET Directive
access to information provisions
and 140
IPPC and ET Directives, under 11–12,
153–4, 165–6
 allowances and 157–8
 emissions trading and IPPC
 integration, legal implications
 161–3
 emissions trading versus IPPC
 156–7
 procedures, co-ordinating 159–61
 regulatory approaches in EU
 environmental law 154–6,
 163–5
 scope of application 157
 setting 158–9
 policy
 interventions, institutional competenc-
es for, taxation implementation
 and 258–61
 legislation and see legislation
 need for 290–94
 political and legal frame for 281–5
 taxation and see taxation
 policy challenges
 background 3–6
 conclusion 18–20
 emissions trading 8–14
 energy regulation 15–17
 good governance 17–18
 policy framework 6–7
 Russia and 7–8
 taxes 14–15
 see also challenges
 policy framework
 EU 43–8
 international
 Bonn and Marrakesh Agreements
 42–3
 Kyoto Protocol 37–41
 regime development process 22–7
 UNFCCC (UN Framework Conven-
tion on Climate Change) see
 UNFCC
 policy challenges and 6–7
 politics
 changing paradigms, good governance
 challenge 299
 importance of climate change and
 279
 international policy framework and,
debate in 1970s and 1980s 22–3
 policy and, legal and political frame
 for 281–5
 polluter pays principle
 Energy Products Taxation Directive
 and 262, 264
 Portugal
 taxation implementation and 267
 PPMs (production processes and
 methods)
 energy inputs in, taxation under
 WTO Agreement and GATT
 213–14
 environmental window in SCM
 Agreement and 215
 externalities, globalization and,
taxation under BTA and GATT
 212–13
 see also industry
 precautionary principle
 UNFCCC principle 30
 prices
 corrections, Energy Products Taxation
 Directive and 261–2
 electricity, allocation process under ET
 Directive and 90–91
 see also costs
 problem definition
 good governance challenge 298–9
 good governance issues for developing
 countries 308–9
 see also definitions
Index

Prodi Commission 279
production
inputs, tax differentiation according to, Energy Products Taxation Directive and 263–5
processes and methods see PPMs
products
characteristics, tax differentiation according to, Energy Products Taxation Directive and 263–5
energy-using, Directives on 46, 233–5
prohibitions
sell allowances, EU ETS enforcement sanctions 182–3
substances, instrument mix and 287
project-based mechanisms
EU ETS linking with 10, 98
CDM and Ji 99–102
challenges ahead 118–19
flexible mechanisms within UNFCCC, EU perspective on negotiations of 98–9
European Climate Change Programme 102–3
Linking Directive see Linking Directive
projects
domestic offset, Linking Directive regulatory scope and 117–18
Ji 111–12, 116
taxation and policy 249–51
PRTR (Pollutant Release and Transfer Registers)
ET Directive access to information provisions and 140
Kiev Protocol on 145–6
proposed European 146–7
see also data registries
public participation
ET Directive provisions 133–8
ET/IPPC Directives links 141–2
see also access to information
Putin, Vladimir 54, 57, 61
Ramakrishna, Kilaparti 309
rates
taxation, Energy Products Taxation Directive provisions 244
RECert (Renewable Electricity Certificate Trading) system 228
see also certification
Rechberger case 77–8
record-keeping
successful ET programme and, USA 197
see also monitoring; reporting
regimes
climate change, development of 22–7, 35–7
good governance 306–7, 309–11
taxation 16–17, 256–61, 271
regulated entities see industry
regulation
approach to, BAT and, IPPC Directive 11, 155
cost-efficiency of, allocation under ET Directive and 93
energy, policy framework 5–17
permits, approaches in EU environmental law 154–6, 163–5
regulations
Ji, harmonizing, Linking Directory regulatory scope and 112–14
see also rules
reporting
Commission, by, on ET Directive 127
EU ETS and SO₂ ET Programme compared 200–201
EU ETS enforcement and 176
see also monitoring; record-keeping
responsibilities
common but differentiated, UNFCCC principle 29–30, 32–4
see also commitments; duties; obligations
rich countries
dominance by, good governance and 18
see also developing countries; states
rights
breach of, state liability to citizens and, ET Directive implementation 74–6
development, UNFCCC principle 31
emission, tradable, GATT and 209
fundamental, German ETS compliance and 92–3
road transport
  policy, Commission White Paper 284–5, 286
taxation 250
total energy tax burden on, Energy Products Taxation Directive and 267–8
Rome Summit 2003 59
rules
  Emissions Trading Scheme (UK) 138
  see also Directives; regulations
Russia–EU relationship
  common spaces, four 56–7
  Common Strategy (1999) 52–3
  environmental cooperation, Commission Communication on 53–4
Kyoto Protocol and 7–8, 51
  cooperation prospects under 62–4
  Johannesburg and Moscow and 54–6
  progress, WTO and, 2004 Summit 61
  WTO and PCA link 61–2
Summit 2003 (Rome) 59
Summit 2004, WTO and Kyoto
  progress 61
Summits 2001, environmental aspects 53
World Conference on Climate Change, further Russian arguments 57–8
sale
  allowances, of, prohibition of as EU ETS enforcement sanction 182–3
sanctions
  EU ETS enforcement 180–83
SAVE programme
  Directive 93/76/EEC 43, 230
  instrument mix and 287
SBI (Subsidiary Body for Implementation) 36
SBSTA (Subsidiary Body for Scientific and Technological Advice) 36
science
  international policy framework and, debate in 1970s and 1980s 22–3
Schweer, Rüdiger 84, 92, 94
SCM (Subsidies and Countervailing Measures) agreement
  BTA and 211
energy inputs in production process and 214
  ‘environmental window’ in, taxation under WTO Agreement and
  GATT 214–16
  tradable emission rights allocation and 209
  see also WTO
SEA (strategic environmental assessment)
  Directive 2001/42/EC 111, 135
  ET Directive and, procedural links 142
  see also EIA
SO₂ ET Programme (USA)
  background 189–90
  EU ETS compared 13–14, 195, 199–201
  grandfathering and 87
  operation 192–4
  principles 190–92
Spain
  allocation process and, harmonization among Member States 84
  ET Directive implementation 70, 77
  Linking Directive and 105
Special Climate Change Fund 305
state aid
  allocation process under ET Directive 91
  taxation and 248–9
  see also Member States
State Environmental Expertise system (Russia) 55
states
  domestic good governance challenges 307
  see also developing countries; Member States
status
  preferential, of certain UNFCCC parties 34–5
STEER programme 287
supply
  energy, EU measures 226–30
sustainable development
  developing country good governance issue 311
  see also development; Johannesburg
  World Summit on Sustainable Development 2002
Sweden
Linking Directive and 105
taxation implementation and 271

TACIS (Technical Assistance to the
Commonwealth of Independent
States) programme 55–6

targets
long-term, absence of, good govern-
ance challenge 302–3
national, Burden Sharing Agreement
and 7
short-term, based on horse-trading and
poor precedent, good governance
challenge 303–4

taxation
breach of EU law, as, Energy
Products Taxation Directive and
271
implementation issues 256–61, 271
importance of 241–2
instrument mix and 286
policy and 240–41, 251
policy framework 14–15
regime, policy framework 16–17
projects, ongoing and forthcoming
249–51
rates of, Energy Products Taxation
Directive provisions 244
rules in areas other than energy
products 247–8
state aid issues 248–9
see also BTA; carbon levy; emissions
trading; Energy Products Taxation
Directive; international trade law

technology
transfer, good governance challenge
305
see also BAT

TEN-T (Trans-European transport
networks) 250–51

TEU (Treaty on European Union) 259,
285
see also legislation

Time Magazine 301

trading see emissions trading; interna-
tional trade

transatlantic divide
deepening, good governance challenge
300–301

Transport, Telecommunications and
Energy Council 47

Transport Council 281, 282

Treaty Establishing a Constitution for
Europe 256–7, 258, 259–61, 271
see also Constitution; legislation

TREM (Trade-Related Environment
Measures) 205–6, 208
see also measures

TRIMS (Agreement on Trade-Related
Investment Measures) 207–8
see also measures

Tryptich approach 304

UK (United Kingdom)
Linking Directive and 104–5
temporary exclusion of installations
from EU ETS and 138

UN (United Nations)
Conference on the Human Environ-
ment 1972 22
Conference on Environment and
Development 1992 27
General Assembly 23, 24, 25–7
good governance challenges and 306
good governance issues for developing
countries and 311
see also FAO; UNDP; UNEP;
UNESCO; UNFCCC

uncertainty
data, misstatements and, EU ETS
enforcement 176–7

UNDP (United Nations Development
Programme) 24
see also UN

UNEP (United Nations Environment
Programme) 22–3, 24, 26
see also IPCC (Intergovernmental
Panel on Climate Change); UN

UNESCO (United Nations Educational,
Scientific and Cultural Organiza-
tion) 26
see also UN

UNFCCC (United Nations Framework
Convention on Climate Change)
Access to Information Directive and
130
accountability provisions 125–6
conclusion of by EU 279
energy package and 15
Index

EU legislation and 223–4, 230
EU policy and 43, 44, 48
flexible mechanisms within, EU perspective on negotiations of 98–9
good governance challenges and 299, 302–3, 305, 306
good governance issues for developing countries and 311
international trade law and 205
monitoring and 19
NAPs and 136
negotiation of, mandate for 27
parties’ concrete commitments 31–2
parties’ responsibilities 32–4
policy challenges 4
policy framework 6, 7
preamble 27–8
preferential status of certain parties 34–5
principles 29–31
regime development, institutional and procedural framework 35–7
trading CERs within EU ETS and 108
ultimate objective 28–9
see also Kyoto Protocol
USA (United States of America)
emissions trading in 188–9
EU, observations for 199–201
SO₂ ET Programme 13–14, 87, 189–94
successful programme, six key features for 194–9
EU legislation and 234
good governance challenges and 299, 300–301
good governance issues for developing countries and 309
instrument mix and 289–90
international trade law and 206–7
kerosene issue and 270
policy challenges 18
political importance of climate change and 279
Second World Climate Conference and 26
taxation and 15, 215–16
USA/Asia-Pacific Agreement 4
USA/Asia-Pacific Partnership 301
USEPA (US Environmental Protection Agency)
SO₂ ET Programme and 189–90, 193–4
successful ET programme and 197, 198
verification
EU ETS enforcement 177–9
Waller-Hunter, Joke 57
Wallström, Margot 54, 300
WCD (World Commission on Dams) 110–11
WCRP (World Climate Research Programme) 22
White Papers
transport policy 284–5, 286
see also Commission; legislation
WMO (World Meteorological Organisation) 22–3, 24, 290
see also IPCC (Intergovernmental Panel on Climate Change); World Climate Conference
World Bank 24
World Climate Conference
First 22
Second 25–7, 300
World Conference on the Changing Atmosphere 23
World Conference on Climate Change 57–8
WTO (World Trade Organisation)
good governance challenges and 306
international trade law and 205
Kyoto Protocol and 7
PCA link 61–2
Russia–EU Summit (2004) 61
see also GATT; SCM
WTO Agreement
BTA and 210, 211
GATT and 206–7, 213–16
Yastrzhembsky, Sergey 61