
Legal Implementation of the European Directive on Emissions Trading

Project

Duration

Jan 2005 - Mar 2006

In order to implement its obligations to reduce greenhouse gas emissions, as required under the Kyoto Protocol, the European Community elaborated a directive establishing a community-wide greenhouse gas trading system. Ecologic has been commissioned by the German Federal Ministry for the Environment to analyse the legal framework for implementing the directive in Germany and also to draft the implementing legislation. In addition Ecologic developed provisions for the implementation of the flexible Mechanisms under the Kyoto Protocol.

In this context, Ecologic assisted in preparing and implementing the necessary regulative framework. The Greenhouse Gas Emissions Law (TEHG), which provides the guidelines for the German implementation of an emissions trading system, was drafted, as well as the Allocation Law (Zuteilungsgesetz, ZuG 2007), which complements it. Furthermore, drafts of the Allocation Regulation (Zuteilungsverordnung) and of the Cost Regulation (Emissionshandelskostenverordnung) were elaborated.

In the meantime the German emissions trading office at the German Federal Environment Agency has completed the account openings within the national emissions trading registry and has allocated the 495 million free emissions allowances to the participants.

With the implementation of the regulatory framework a variety of legal questions occur which are being analysed accompanying by Ecologic.

In succession the research project comprised legal assistance in implementing the flexible mechanisms (Clean Development Mechanism, Joint Implementation) of the Kyoto-Protokoll. On the European level the so called Linking Directive had to be implemented, on the international level the Kyoto-Protokoll, the UNFCCC and the Marrakesh Accords had to be analysed as legal frame.

The Law to introduce the project-based mechanism which has already been passed by the parliament and the Federal council provides regulations for the process of generating certificates out of CDM and JI projects with participation of Germany as investing and/or host country. As well the provisions for the use of these certificates within the national trading system are part of the law.

In this context Ecologic assists the BMU in resolving arising points of law and drafting concretising regulations.

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[German Environment Agency](#) (UBA), Germany

Partner

[Ecologic Institute](#), Germany

[Schnutenhaus & Kollegen](#), Germany

Team

[Dr. Camilla Bausch](#)

Julia RÃ¼sch

Julia Rufin, LL.M.

[Helen LÃ¼ckge](#)

[JÃ¼rn Schnutenhaus](#)

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