



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 December 2003**

---

**Interinstitutional File:  
2003/0173 (COD)**

---

**15673/03**

**LIMITE**

**ENV 666  
MI 310  
IND 179  
ENER 335  
ONU 80  
CODEC 1732**

**NOTE**

---

from : General Secretariat of the Council  
to : Permanent Representatives Committee

---

No. prev. doc: 15475/03 ENV 654 MI 306 IND 176 ENER 329 ONU 78 CODEC 1701  
No. prop. Com.: 11916/03 ENV 429 MI 192 IND 115 ENER 239 ONU 39 CODEC 1081 +  
ADD 1 – COM(2003) 403 final

---

Subject: **PREPARATION FOR THE COUNCIL MEETING (ENVIRONMENT)  
ON 22 DECEMBER 2003**  
Proposal for a Directive of the European Parliament and of the Council  
amending the Directive establishing a scheme for greenhouse gas emission  
allowance trading within the Community, in respect of the **Kyoto Protocol's  
project mechanisms**  
– Policy debate

---

**I. INTRODUCTION**

1. The Commission submitted its proposal to the Council on 29 July 2003. The proposal is based on Article 175(1) of the Treaty.

2. The objective of the draft Directive is to link the project-based mechanisms of the Kyoto Protocol, Joint Implementation (JI) and the Clean Development Mechanism (CDM), to the European Union emissions trading scheme (EU ETS) \*, thereby enabling emission credits from the Kyoto mechanisms to be used by companies for compliance in the EU ETS. It is also expected to increase compliance options and reduce compliance costs for companies within the EU ETS while promoting the transfer of environmentally sound technologies.
3. The European Parliament is expected to deliver its Opinion in first reading in April 2004.
4. The Working Party on the Environment examined the proposal at a number of meetings under the Italian Presidency. The latest Presidency compromise proposal, with footnotes outlining the position of delegations, can be found in the Annex. The state of play on the main outstanding issues is described in Section II of this note.
5. Representatives of acceding countries have participated in the discussions in the Working Party meetings. CZ/LV/SK and especially HU have provided concrete contributions on the issue of double counting and JI projects in acceding states. On other issues, LV supports the inclusion of national project activities, PL asks that other legal entities besides operators should be permitted to request conversion of credits, and SK has provided input on the question of supplementarity.
6. To provide guidance for future work on this file, the Presidency considers that a ministerial debate, focussing on some key issues, is needed at this stage. Two questions have been prepared to facilitate this debate. These are outlined in Section III.

---

\* Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community of 13 October 2003 and amending Council Directive 96/61/EC, OJ L 275, p. 32.

7. The Permanent Representatives Committee is requested to take note of the state of play on this file and of the questions prepared by the Presidency for the policy debate of the (Environment) Council taking place on 22 December 2003.

## II. MAIN OUTSTANDING ISSUES

The key outstanding issues described below relate to timing, supplementarity (setting of a quantitative limit to credit conversion), eligibility of credits and project activities (double counting, criteria for approval and national project activities). While this list is not exhaustive, it is likely that future work will continue to focus on these points, taking account of the ongoing debate within the European Parliament, particularly in view of a possible first reading agreement on this proposal.

### *1. **Timing of the conversion of credits*** *Article 11(bis), paragraph 1 and 1 bis*

According to the Commission proposal, companies taking part in the EU emission allowance trading scheme (EU ETS) would be able to convert credits generated from JI and CDM projects into allowances for use in the scheme from the second trading period of the EU ETS (2008-2012), which corresponds to the Kyoto Protocol's first commitment period.

Most delegations have indicated that they would prefer the possibility to convert certified emission reductions (CERs, the "currency" of the CDM) into allowances under the EU ETS already during the first 2005-2007 period. Although the scope for early recognition of CERs would probably be limited due to the current development stage of infrastructure (registries, institutional capacity) and projects, these delegations consider that it would offer valuable learning opportunities for European companies and send a positive international signal.

The Presidency compromise foresees the addition of a new paragraph (paragraph 11 bis, Article 11(bis)), providing for the conversion of CERs into allowances for the period 2005-2007, before the start of the Kyoto Protocol's first commitment period. Provision is also made to ensure that CERs used during 2005-2007 cannot be used again in later periods.

While many delegations are still evaluating the practical and political implications of such a proposal, several delegations are in principle positively inclined to it, given the early recognition of CERs it implies. The Commission maintains a reservation on this proposal.

**2. *Supplementarity – setting a quantitative limit to credit conversion***  
*Article 11(bis), paragraph 2 and Article 30 paragraph 2 (m)*

According to the Marrakech Accords, the use of the market-based mechanisms shall be supplemental to domestic actions. The Commission proposal aims to ensure supplementarity by monitoring the relative quantity of JI and CDM credits converted into allowances in the Community as a whole. A level of 6% of the total quantity of allocated allowances would trigger an automatic review by the Commission to consider whether there should be a maximum limit or "cap" to conversions during the relevant period. (Article 11(bis), paragraph 2). This decision would be taken by committee procedure.

Most delegations have doubts about this model. They are concerned that it would cause uncertainty as companies would not know when and if the cap would be applied. Delegations also raise questions about the definition of supplementarity, namely whether setting the limit at Community level would contradict the principle of supplementarity as a responsibility of each Member State.

In the latest Presidency text, this provision has been deleted from Article 11(bis). Instead, it is proposed that the Commission would consider the need for setting a quantitative limit to the conversion of credits as part of the review procedure foreseen in 2006 (Article 30 (paragraph 2 (m))), which would be accompanied, as appropriate, by a proposal to amend the Directive.

Positions remain divided on this issue. While the Commission and some delegations have a reservation on this proposal, other delegations would prefer to delete the whole notion of a quantitative limit, be it an overall "cap" or a review. Some delegations would place more emphasis on the Commission's monitoring role. One delegation has submitted a proposal to set a fixed limit at installation level, which some delegations find interesting and are currently studying.

**3. *Eligibility of credits***  
*Article 11(bis) paragraph 3*

According to the Commission proposal, project credits from nuclear and land-use, land-use change and forestry (LULUCF) activities cannot be converted into allowances for use in the EU ETS. While most delegations accept the exclusion of credits from nuclear activities, opinions are divided in relation to LULUCF activities given that these are permissible under the Marrakech Accords.

Most delegations wish to consider this only after the ninth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 9, 1-12 December 2003), where relevant rules governing LULUCF could already be adopted.

The current compromise foresees that conversion of CERs from LULUCF projects would be allowed subject to relevant definitions and modalities agreed by the Conference of the Parties, on the understanding that the text will be revised following COP 9 as appropriate.

#### 4. *Project activities*

##### a) *Double counting* *Article 11(ter) paragraphs 2 and 3*

All delegations agree that the double counting of emissions and credits earned from emission reductions must be avoided. There is, however, disagreement on how this should be done. Several delegations consider that the rules proposed by the Commission would reduce the scope and attractiveness of JI projects in the enlarged Community. Of particular concern has been the fact that they could represent a disincentive for renewable energy or energy efficiency/savings projects that indirectly reduce or limit emissions from installations covered by the EU ETS.

The Presidency compromise foresees (new paragraphs 2 and 3 in Article 11(ter)) that:

- hosting countries cannot allocate allowances in respect of emission reductions resulting from JI projects (rather than excluding JI projects that would result in emission reductions in sectors covered by the EU ETS as foreseen by the original proposal),
- when the host country issues JI credits for renewable energy or demand-side energy efficiency projects a corresponding amount of allowances is cancelled in a special reserve in the country's National Allocation Plan.

Several delegations find this proposal constructive. In general, it is considered that this complex question must be examined further to avoid any risk of double counting and the possible reduction in the effectiveness of the EU ETS it could entail.

b) *Criteria for approval of project activities*  
*Article 11(ter) paragraphs 4 and 6; Article 30 paragraph 2(l)*

Regarding large hydroelectric power projects, some delegations suggest to include the criteria and principles of the World Commission on Dams among the criteria for approving these projects (in Article 11(ter) paragraph 4).

Several delegations do not agree with the specific mention of large hydroelectric power projects in the review clause under Article 30 (2) (l).

As concerns the administrative procedures for the approval of projects (Article 11(ter) paragraphs 4-6), several delegations consider that these overlap with UNFCCC procedures and might constitute an additional and unnecessary burden.

c) *National Project Activities*  
*Article 11(ter)*

Some delegations would like to permit the issue of allowances within the EU ETS for emission reductions resulting from national projects and concrete suggestions have recently been presented to this end. While some delegations are still studying this issue, the Commission and other delegations have entered reservations, considering that this possibility would unduly complicate the functioning of the EU ETS.

### **III. QUESTIONS FOR THE MINISTERS**

#### **1. Timing**

Recognising project credits in the 2005-2007 EU emission trading scheme period before the beginning of the first Kyoto Protocol commitment period may require additional efforts but will also yield substantial benefits. Early recognition would send a positive and balanced signal to build confidence in the climate change global partnership. It may also offer on one hand valuable learning opportunities for European companies, thus increasing their competitiveness on the Kyoto Market, while on the other a smoother transition into the full final carbon market, with positive impacts on the flexibility and liquidity of the market.

- Do the Ministers share the view that there is a need to build confidence in the climate change global partnership and send a positive and balanced signal through the early recognition in the EU ETS of credits generated by project mechanisms ?

#### **2. Quantitative limit to credit conversion: the "cap"**

Consensus on a quantitative interpretation of the supplementarity principle has yet to be agreed within the EU. Supplementarity rules apply to all Annex I Parties to the Kyoto Protocol and are thus the responsibility of the Community and each of its Member States and not companies or sectors. In this respect, the operationalisation of the supplementarity rule in the EU ETS seems problematic, particularly as compliance at EU level with the principle of supplementarity may not necessarily imply the same compliance at Member State level. Furthermore, limiting the use of credits in the EU ETS may run the risk of sending negative political signals to third countries and, through reduced supply, raise international competitiveness issues in terms of increased quota prices and thus overall compliance costs.



- Should there be a quantitative limit to the introduction in the EU ETS of credits generated by project activities? If a limit would be desirable, when and how should it be implemented?

---

Proposal for a  
**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**amending the Directive establishing a scheme for greenhouse gas emission allowance trading**  
**within the Community, in respect of the Kyoto Protocol's project mechanisms**

PREAMBLE: pm

<sup>1</sup> *Article 1*

*Amendments to Directive 2003/.../EC*

Directive 2003/.../EC is hereby amended as follows:

1. In Article 3, the following points are added:
  - (k) "Annex I Party" means a Party listed in Annex I to the UNFCCC that has ratified the Kyoto Protocol as specified in Article 1(7) of the Kyoto Protocol;
  - (l) "project activity" means a project activity approved by one or more Annex I Parties in accordance with Article 6 or Article 12 of the Kyoto Protocol and the decisions adopted thereunder <sup>2</sup>;
  - (m) "emission reduction unit" (ERU) means a unit issued pursuant to Article 6 of the Kyoto Protocol and the decisions adopted thereunder;

---

<sup>1</sup> All delegations: General scrutiny reservation.  
F/UK/DK: Parliamentary scrutiny reservation.

<sup>2</sup> P: add "or approved by a Member State in accordance with Article 11ter, paragraph 5bis";  
D/F/UK/E: Also in favour of inclusions of national project activities. DK/B/A/Cion:  
Against.

- (n) "certified emission reduction" (CER) means a unit issued pursuant to Article 12 of the Kyoto Protocol and the decisions adopted thereunder.

2. The following Articles are inserted after Article 11:

"Article 11(bis)

Conversion of CERs and ERUs from project activities for use in the Community scheme

1. Following the entry into force of the Kyoto Protocol and<sup>3</sup> subject to paragraphs 2 and 3 of this Article,<sup>4</sup> Member States may convert CERs and ERUs from project activities into allowances for use in the Community scheme during each period referred to in Article 11(2) of this Directive, at the request of an operator<sup>5</sup>. This shall take place through the issue of one allowance by the Member State in exchange for one CER or ERU held by that operator in its national registry.

---

<sup>3</sup> F/DK/E/NL/P: Delete "*Following the entry into force of the Kyoto Protocol and*". EL/S: Against.

<sup>4</sup> UK: Throughout this Article, the term "conversion" should be replaced by the term "use". The rest of the sentence should read: "*operators may surrender CERs and ERUs up to the level of x% of the allocation to each installation during each period referred to in Article 11 (2) of this Directive.*" DK/P/F/E: reservation; A: open to this proposal.

<sup>5</sup> E/F/P/IRL: Should not be limited to operators (same remark applies to paragraph 1.bis). P proposes, as a compromise to add: "or, according to national law, any natural or legal person".

- 1.bis During the period referred to in Article 11(1) of this Directive, Member States may convert CERs from project activities into allowances for use in the Community scheme at the request of an operator. This shall take place through the issue of one allowance by the Member State in exchange for one CER held by that operator in the CDM registry<sup>6</sup> established by the Executive Board under decision 17/CP.7. Member States shall cancel CERs that have been exchanged for allowances valid for emissions during the period referred to in Article 11(1) of this Directive.<sup>7</sup>
2. [...] <sup>8</sup>
3. [All CERs and ERUs may be converted for use in the Community scheme except from nuclear facilities in accordance with the Kyoto Protocol and subsequent decisions adopted thereunder.]

In the case of land use, land-use change and forestry project activities, CERs may be converted subject to relevant definitions and modalities adopted by the Conference of the Parties to the UNFCCC.] <sup>9</sup>

---

<sup>6</sup> D/A/FIN/S/F/IRL: Refer to national registry instead. UK: Scrutiny reservation.

<sup>7</sup> B/Cion: Reservation on this paragraph. D/UK/F: Scrutiny reservation. DK/EL/NL/E: positive scrutiny reservation.

<sup>8</sup> P/E/EL/B/DK/F: Support this deletion. D: Scrutiny reservation. Cion/UK: Reservation. A: Include a properly justified cap under this Article. FIN/S: Insert a new paragraph as follows: "2. The Commission shall regularly monitor the relationship between the number of CERs and ERUs converted for use in the Community scheme and the total quantity of allowances allocated by the Member States."

<sup>9</sup> Presidency proposal, to be revised following COP 9. P: Support. Cion: Reservation. D/A: prefer to exclude CERs from LULUCF for now, suggest giving Cion a mandate to consider inclusion later. B/DK/E/IRL/F/NL/FIN/S/UK: prefer to wait until COP 9 before deciding on the text. E: Delete paragraph 3.

Article 11(ter)

*Project activities*

1. Member States shall take all necessary measures to ensure that baselines for project activities, as defined by subsequent decisions adopted under the Kyoto Protocol, undertaken in countries having signed a Treaty of Accession with the Union fully comply with the *acquis communautaire*, including the temporary derogations set out in the Treaty of Accession.
2. For JI emission reductions from project activities which fall under the scope of this Directive, ERUs may be issued if an equal number of allowances is cancelled from corresponding operators accounts in the registry. <sup>10</sup>
3. For emission reductions resulting from project activities undertaken in installations generating power from renewable sources or project activities aimed at demand-side energy efficiency measures, ERUs may be issued if the hosting Member State has foreseen compensation for such ERUs in the national allocation plan for the respective period through the cancellation of an equal number of allowances. <sup>11</sup>

---

<sup>10</sup> Presidency proposal. NL/E Supports the concept. A: Basically supports the content. FIN/UK/Cion: Reservation. DK/F/S: Scrutiny reservation. B suggests as alternative: "2. Except as provided for in paragraph 3, Member States hosting project activities shall ensure that no ERUs are issued for reductions or limitations of greenhouse gas emissions from an installation, or part of an installation, subject to allocation of allowances according to Article 11 of this Directive and for a greenhouse gas included in Annex I of this Directive." FIN/A: open to this proposal. FIN: add to this a transition period.

<sup>11</sup> Presidency proposal. NL: supports the concept. F/Cion: Reservation. E/DK/FIN/S/UK: Scrutiny reservation. B, supported by A suggests as alternative: "3. When a project reduces indirectly the emission level of an installation, subject to allocation of allowances according to Article 11 of this Directive and for a greenhouse gas included in Annex I of this Directive, hosting Member States shall foresee an adequate compensation in their national allocation plan in accordance with guidelines adopted by the Commission."

4. <sup>12</sup> Member States shall take all necessary measures to ensure that the preparation and implementation of project activities in which they participate <sup>13</sup> or authorise private or public entities to participate that are undertaken outside the territory of the Community take into account the environmental and social impacts of those projects. <sup>14</sup> They shall also ensure that these projects are developed and implemented in such a manner to contribute to sustainable development, and to the specific development needs and objectives of the host countries. <sup>15</sup>
5. In considering approval of project activities <sup>16</sup> in accordance with Articles 6 and 12 of the Kyoto Protocol and decisions adopted thereunder, Member States shall ensure that project activities result in:
- (a) real, measurable and long term benefits related to the mitigation of climate change;

---

<sup>12</sup> E/DK/F/IRL/NL/P/UK/EL: paragraphs 4-6 are functions of CDM Executive Board and JI Supervisory Committee.

<sup>13</sup> UK: Delete "*or authorise private or public entities to participate*".

<sup>14</sup> E: Delete "*and implementation*" and "*and social*" in the first sentence and replace the second sentence with: "*They shall also receive the confirmation by the host country that the project does contribute to its sustainable needs and objectives, before their approval.*"

<sup>15</sup> D: Add: "*In case of large hydro-electric power production project activities, Member States shall ensure that the criteria and principles laid down by the WCD in its year 2000 Final Report are met (NL/S: were taken into account) during the preparation and implementation of the project activity*". B/NL/S: Support this idea. B: this should be incorporated elsewhere in the proposal (Article 11(bis) paragraph 3). E/F/A/P/FIN/EL: against the D proposal. B: Add the following: "*The Commission shall elaborate guidelines containing standardised sets of social, economic and environmental effects that should be minimally assessed by a project developer in order to contribute to the sustainability of their projects*". UK: reservation.

<sup>16</sup> UK: Replace "*in accordance (...) adopted thereunder*" with "*excluding CDM project activities under Article 12 and JI projects verified under the procedure provided in Article 24 of the Annex 'Guidelines for the implementation of Article 6' to Decision 16/CP.7.*"

- (b) reductions in emissions that are additional to any that would occur in the absence of the proposed project activity; and
- (c) the transfer <sup>17</sup> of environmentally safe and sound technology and know-how.

18

- 6. Provisions for the implementation of paragraphs 1 to 5 <sup>19</sup> shall be adopted in accordance with Article 23(2).<sup>20</sup>

- 3. In Article 17 the following paragraph is added:

"Information on project activities in which a Member State participates or authorises private or public entities to participate, held by the competent authority, shall be made available to the public by that authority subject to the restrictions laid down in Article 3(3), [...] Article 4 and Article 5 of Directive 2003/4/EC."

---

<sup>17</sup> UK: Delete point (c).

B/D/Cion: Add, after "*transfer*", the words "*or development*".

<sup>18</sup> P: Add new paragraph 5bis as follows (also amend Art. 11ter (2) accordingly):

*"Member States may approve domestic emission reduction activities and issue allowances for emission reductions resulting from such activities. In considering approval of project activities, Member States shall ensure that project activities result in:*

*(a) real; measurable and long term benefits related to the mitigation of climate change;*

*(b) reductions in emissions that are additional to any that would occur in the absence of the proposed activity;*

*When hosting project activities, Member States shall ensure that the modalities and procedures for verification, monitoring and reporting emission reductions resulting from these project activities are equivalent to those established pursuant to Article 24 of the Annex of the Guidelines for the implementation of Article 6 of the Kyoto Protocol."*

<sup>19</sup> P: Replace "5" with "5bis".

<sup>20</sup> E: Does not agree with the use of comitology here.

4. The following article is inserted after Article 17:

*"Article 17(bis)*

*Assessment of national JI and CDM implementation plans or programmes*

Member States shall assess the environmental effects that may result from their national plans or programmes for the implementation of projects and consult the public prior to their adoption, taking into account Directive 2001/42/EC\* of the European Parliament and of the Council and Directive 2003/4/EC, as appropriate." <sup>21</sup>

5. In Article 18 the following paragraph is added:

"Member States shall in particular ensure coordination between their designated focal point for approving projects pursuant to Article 6, paragraph 1(a) of the Kyoto Protocol and their designated national authority for the implementation of Article 12 of the Kyoto Protocol respectively designated in accordance with subsequent decisions adopted under the Kyoto Protocol."

6. In paragraph 3 of Article 19 the following sentence is added:

"That Regulation shall also include provisions concerning the conversion of CERs and ERUs for use in the Community scheme and on monitoring of the level of such conversion."

---

\* Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

<sup>21</sup> S/FIN: Value-added of the Article is unclear. UK/E/A: delete Article 17(bis).



7. Article 21 is amended as follows:

(a) In paragraph 1 the second sentence is replaced by the following:

"This report shall pay particular attention to the arrangements for the allocation of allowances, the conversion of ERUs and CERs for use in the Community scheme, the operation of registries, the application of the monitoring and reporting guidelines, verification and issues relating to compliance with the Directive and on the fiscal treatment of allowances, if any."

(b) Paragraph 3 is replaced by the following:

"3. The Commission shall organise an exchange of information between the competent authorities of the Member States concerning developments relating to issues of allocation, the conversion of ERUs and CERs for use in the Community scheme, the operation of registries, monitoring, reporting, verification and compliance."

8. The following article is inserted after Article 21:

"Article 21(bis)

In accordance with the UNFCCC, the Kyoto Protocol and any subsequent decision adopted for their implementation, the Commission and the Member States shall endeavour to support capacity building activities in developing countries and countries with economies in transition in order to help them take full advantage of JI and the CDM in a supportive manner with their sustainable development strategies and to facilitate the engagement of entities in JI and CDM project development and implementation."

22

9. Article 30 is amended as follows:

- (a) in paragraph 2 the following point is added

"(l) the impact of project mechanisms on host countries, particularly on their development objectives,<sup>23</sup> including whether JI and CDM large hydro-electric power production projects have been established which have negative environmental and social impacts;"

---

<sup>22</sup> D: Proposes to add a new paragraph (alternatively as paragraph 4bis):  
*"Member States shall ensure that ODA is not used to finance the acquisition of CERs. ODA may however be used in CDM projects to cover specific country risks of a CDM project and therefore facilitate private engagement in the CDM in high risk countries (S: "LDCs"), at financing conditions at the project level which are equivalent to market conditions in other countries. If ODA is reported for (S: insert "such") CDM projects and CERs are received by the donor countries, the value of CERs shall be deducted from ODA (S: delete the rest of the sentence) as a form of repayment". DK: reservation. E/F/FIN: reservation on this suggestion given ongoing OECD negotiations.*

<sup>23</sup> E/EL/F/P: Delete the rest of the sentence. B: Delete mention of large hydro here and incorporate D proposal (see earlier footnote) in Art. 11 bis (3). A: Delete the words "hydro-electric power production". FIN: Supports Cion proposal.

- (m) whether it is necessary to introduce a maximum of the total quantity of projects credits converted into allowances by the Member States for the period;

24

- (b) paragraph 3 is deleted.

10. In Annex V the following point is added:

"(13) Verifiers accredited in accordance with the procedure and criteria laid down in Regulation (EC) No 761/2001 of the European Parliament and of the Council allowing voluntary participation by organisations in a Community Eco-Management and Audit Scheme (EMAS) which have the necessary expertise and experience in greenhouse gas mitigation activities can be verifiers for project activities eligible under Joint Implementation undertaken within the Community." <sup>25</sup>

## *Article 2*

### *Implementation*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 2004 at the latest. They shall forthwith inform the Commission thereof. <sup>26</sup>

---

<sup>24</sup> P: Positive to this compromise proposal. E/F/DK: reservation, do not support the mention of a cap in this Directive. A/UK/Cion: reservation, include a properly justified cap in this Directive. Other delegations: scrutiny reservation.

S: Replace "*for the period*" by "*and/or other policies and measures with a view to contribute to the fulfilment of complementarity by the Community in the period referred to in Article 11(2) of this Directive.*"

<sup>25</sup> E/EL/F/FIN/P/S/UK: question why preference is given to EMAS verifiers. A: supports this proposal.

<sup>26</sup> A/B/E/EL/P/FIN/S/UK: Timetable is too strict.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the provision of national law, which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

### *Article 3*

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

### *Article 4*

#### *Addressees*

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

---

---