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Legal aspects of climate change, in particular, emissions trading mechanisms

Belgium

Answers prepared by

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1.- *Council Decision 2002/358 introduced, among others, a compulsory burden sharing for EC Member States as regards the commitments under the Kyoto Protocol (annex II). Was there any legal discussion in your country as regards the method of calculation of this burden sharing, and its fairness; was there any participation of the public as regards the opportunity to accept the political burden sharing of 1997 and its legal fixation of 2002?.*

It is rather difficult to describe the discussions in Belgium on the EC-Burden Sharing Agreement and the transposition of the Belgian commitments into a national burden sharing as legal discussions. Given the economic en political structure of Belgium the core of the discussions were non-legal.

There is a general understanding that Belgium's commitment (- 7,5 %) in the EC Burden Sharing Agreement is beyond its capacity in relationship to the population and the economic productivity. Certain reports however have stressed that the reduction target is realistic when all necessary and possible measures would be taken and implemented.

The last EEA Report on the greenhouse gas emission trends and projections in Europe 2004 has made clear that Belgium belongs to the group of nine of the 15-EU-member states (Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Portugal and Spain) that on the basis of their emissions in 2002, were not on track to meet their individual greenhouse gas limitation or reduction targets in 2010.[1]
In the technical report[2] it is stated that the "with measures" projections give an increase of 6,5 % compared to 1990. This means that compared to the "burden

[1] EEA Report No 5/2004, p. 5, see:
http://reports.eea.eu.int/eea_report_2004_5/en/GHG_emissions_and_trends_2004.pdf

[2] http://reports.eea.eu.int/technical_report_2004_7/en/tab_content_RLR

sharing agreement" figure a gap of 19,7 MtCO_2 eq (14%) arises. A savings of 13,8 MtCO_2 eq or about 70% of the gap to the commitment should be realized by additional policies and measures. The report says that most of the policies and measures in the energy sector have been implemented, whilst in other sectors they are still at the adoption and planning stage. The report also mentions explicitly the fact that the federal nature of Belgium means that policies may be implemented in some regions but not in the others. Details of the announced and implemented policies and measures are given in the 3rd National Communication under the UNFCCC (April 2002), but there is no clear indication which policies and measures have been included in the "with measures" projection for which an econometric model has been used. The rest of the gap to the commitment should be closed by using Kyoto mechanisms. Belgium has indicated – like Austria, Denmark, Finland, Sweden and the Netherlands – to allocate financial resources for using Kyoto mechanisms.

Legal elements of discussions on burden sharing are to be found in a number of policy documents and stake holder publications:

- Policy Documents:
  - Cabinet Agreements (1999; 2004)
  - Federal Plans for Sustainable Development (2000; 2004)
  - National Climate Plan (2002-2012)
  - Regional Plans (Environment Policy, Climate, Air pollution)
- Stake holder publications:
  - Environmental NGO's, Industry federations
  - Official advisory councils (exist both at the federal and regional level)

The major legal document is the co-operation agreement of 14 November 2002 (Approved by Law of 11 April; OJ of 15 July 2003).

The Cabinet Agreement of 1999 and the 1st federal Plan for Sustainable Development included some guiding principles for the National Climate Plan.

The 1st federal Plan for Sustainable Development 2000-2004 announced further research and the need to establish an institutional and legal framework.[3]

[3] Federaal Plan Duurzame Ontwikkeling, 81-82 (nrs. 526-530), zie: http://www.billy-globe.org/nl/plan-do-nl.pdf

The National Climate Plan 2002-2012 that was adopted by the federal and regional governments during the Interministerial Conference Environment of 6 March 2002 is not very ambitious regarding the flexible mechanisms. It contains only an overview of existing research initiatives at the different policy levels, such as the federal study about the implementation of these mechanisms in Belgium as also foreseen in the federal Plan for Sustainable Development. In order to prepare the required institutional and legal framework the prior focus lay on the – not easy – issue of the division of competencies regarding the introduction of emissions trading.[4]

On November 14th 2002 a co-operation agreement was signed by all governments: the federal and the three regions.[5] This agreement contains the general institutional and legal framework.[6] The agreement provides for the establishment of a National Climate Commission that includes representatives of the federal and regional authorities. The National Climate Commission has a number of tasks including information gathering, reporting and the preparation of policy proposals. A particular task concerns the preparation of a separate co-operation agreement on flexible mechanisms.[7] Another important task for this Commission was the preparation of a burden-sharing agreement between the four Belgian governments. The original proposal for this intra-Belgian burden

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[4] ECOLAS-ECONOTEC, Implementation of the flexibility mechanisms in Belgium, not-published study commissioned by the Secretary of State for Energy and Sustainable Development, March 2002.

This study was an analysis of the Commission proposal for ET Directive. It concluded that the proposal contained elements that covered both the federal and the regional competencies. Clear environment-related issues like the permit and consequences of amending of the IPPC-Directive belong to the regional competencies . Other issues have a clear economic character and are related to trade law-issues for which only the federal level is competent (e.g. transfer of allowances). The sudy suggested also that the future transposition and implementation of the ET Directive would need a specific co-operation agreement. Such an agreement should contain all required elements in order to guarantee a uniform implementation of the ET Directive.

[5] For Flanders approved by the Decree of 3 July 2003 (houdende goedkeuring van het samenwerkingsakkoord tussen de federale Staat, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest betreffende het opstellen, het uitvoeren en het opvolgen van een Nationaal Klimaatplan, alsook het rapporteren, in het kader van het Raamverdrag van de Verenigde Naties inzake Klimaatverandering en het Protocol van Kyoto (goedkeuring van het samenwerkingsakkoord van 14 november 2002) Vlaams Parlement, Stuk 1672 (2002-2003) - Nr.1.).

For Brussels approved by Ordinance of 22 May 2003.

[6] *Belgisch Staatsblad* of 27 June 2003; Text of "Wetsontwerp houdende instemming met het Samenwerkingsakkoord tussen de Federale Staat, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest betreffende het opstellen, het uitvoeren en het opvolgen van een Nationaal Klimaatplan, alsook het rapporteren, in het kader van het Raamverdrag van de Verenigde Naties inzake Klimaatverandering en het Protocol van Kyoto", afgesloten te Brussel op 14 november 2002, Belgische Senaat, Zitting 2002-2003, 2 - 1432/1, 20 januari 2003.

[7] Article 6, § 2. (6).

sharing (already discussed during 2000) was a linear distribution of the Belgian – 7,5 % between the 3 Regions (Walloon region, Brussels, Flanders). The initial deadline was 2005 but the fast adoption of the Emissions Trading Directive and the need for a swift transposition operation in order to be in time for the National Allocation Plan requirements led to more pressure. So negotiations on this sensitive issue started in January 2003 but could not be finalized before 18 May 2003, when federal elections were held.

The Cabinet Agreement of 10 July 2003 announced nothing new. The promises to establish the National Climate Commission and to have a new co-operation agreement by the end of 2003 was already part of earlier policy plans. By the end of 2003 the National Climate Commission was indeed installed. [8] In the autumn of 2003 negotiations were re-opened and a final agreement was reached on 8 March 2004 within the Consultation Committee. This is the highest possible level for intra-Belgian political consultations. Article 9 of the above-mentioned co-operation agreement stipulates that the National Climate Commission decides by rule of unanimity. If this is not possible the matter is presented to the Interministerial Conference for the Environment. If even there an agreement cannot be reached, the Consultation Committee has to deal with the matter.

According to the political burden-sharing agreement agreed by the Consultation Committee on 8 March 2004 the regions are responsible for the allocation of allowances under the Protocol of Kyoto. They will receive allowances from the federal state on the basis of the following rules: [9]

	Annually amount of allowances	**Equals compared to 1990**	**Estimation of CO-2-emissions in 1990**
Walloon Region	50,23 Mton CO2-eq.	- 7,5 %	54,30 Mton CO2-eq.
Flemish Region	83,37 Mton CO2-eq.	- 5,2 %	87,95 Mton CO2-eq.

[8] The composition of the National Climate Commission was approved by the Cabinet on 5 December 2003, zie B.S. 8 December 2003, and was changed .

[9] MINA-Raad-Advies 2004/20 of 22 April 2004 (Advice of the Environmental Advisory Council). In this advice it is mentioned that the emissions inventary of Belgium calculates 146,24 Mton CO2-eq. For 1990, whilst in the latest (official) Belgian emissions-inventary "only" 141,567 Mton CO2-eq. were calculated. bedroegen. The difference has to be found in the used methodology and the incorporation of some additional F-emissions.

Brussels Region	4,13 Mton CO2-eq.	+ 3,475 %	3,99 Mton CO2-eq.
Total Belgium	**137,73 Mton CO2-eq.**		**146,24 Mton CO2-eq.**

This means that the regions receive more allowances than the amount of allowances that has been assigned to Belgium under the Protocol of Kyoto (135,27 Mton CO2-eq).

The federal Government shall cover the difference by buying emission rights on the international market. The amount to be covered is annually 2,46 million tons CO2-eq for the period 2008-2012. Furthermore the federal Government shall take measures to reduce GHG-emissions on the Belgian territory (annually 4,8 million tons CO2-eq in 2008-2012). Examples of these measures include the promotion of public transport and bio-gasoil, the building of off-shore wind mills, financial incentives for energy efficiency practices, third party financing, conversion of old power plants, etc.

The above-mentioned (basic) co-operation agreement will be supplemented in the near future with additional co-operation agreements focusing on particular issues, e.g. flexible mechanisms, the registry etc...

2. *Directive 2003/87 (OJ L 275/203 p. 32) introduces a system of how emission rights shall be allocated and how they can be traded.*

*a) * Was there any legal discussion of the major elements of this directive in your country?*

The Belgian participation to the discussions in the ENV-WG of the Council were prepared in a steering group that is part of the intra-Belgian structural co-ordination approach for preparing Belgian viewpoints, positions and declarations EU- and multilateral meetings (CCIM – co-ordination committee international environmental policy, also based on a co-operation agreement). This steering group contains representatives from all regions, the federal level and all involved sectoral branches (e.g. environment, energy etc...). Representatives are civil servants and staff members from Ministerial cabinets. Reports of the meetings of the steering group are not publicly available.

- *Was the basic approach – i.e. tradable emission allowances – easily accepted ?*

However Belgium had (has) no experience with emission trading, I presume the basic approach was easily accepted given the international background (Kyoto protocol) and EC commitment.

- *Were frictions discussed in relation to BAT-approaches, voluntary commitments, or emission charges/taxes schemes?*

Both in the Walloon and Flemish regions, a framework for voluntary agreements has been developed (Benchmarking covenant in Flanders, „Accords de branche“ in Walloon region, 2002). Whilst the Walloon voluntary agreements are considered as environmental covenants, the Flemish arrangement is based on a separate decree regarding energy efficiency. These agreements are aimed to „smoothen“ more direct regulation or expected taxation. Certain stake holder advises did question the legality of certain provisions of the Flemish Benchmarking covenant. Also the Walloon approach seems to be in conflict with certain federal regulation. At least certain stake holder publications are critical but contain different opinions (employers versus environmentalists). Further to these „Belgian“ developments, Belgium favoured the incorporation of „benchmarking“ as an element to be considered/used when applying the allocation criteria for the NAP.

b) *Have there been considerations in your country whether there was an EC competence in this matter; whether Article 175(1) was the right legal basis, instead of Article 175(2)?*

Not as far as I know

c) ** Were there any considerations in your country to recur to Article 176 and to include other sources of climate gases into the emission trading system than those listed in Directive 2003/87?*

Not as far as I know

- *Has there been any thinking, whether Article 24 of Directive 2003/87 is not compatible with Article 176?*

Not as far as I know

- *What do you think of this argument?*

As far as the Commission is able to apply the Treaty correctly when approving such measures in accordance with the procedure of Art. 23 of the ET Directive, I do not see an obvious incompatibility.

d) ** When and by what legal act (if at all) was the Directive transposed into national law?*

Given the Belgian state structure, several legal acts were necessary:

- For the Brussels region: a Decision (Executive Order) of 3 June 2004 that introduces an ET-regime in the existing permit system
- For the Walloon region: a Decree of 10 November 2004 that introduces an ET-regime in the existing permit system

- For the Flemish region: a Decree of 2 April 2004 that transposes in a very general way some elements of the ET Directive; and a Decision (Executive Order) of 4 February 2005 that introduces an ET-regime in the existing permit system
- At the federal level some executive orders are in the pipeline

- *Was it transposed in due time?*

No

- *What kind of public atention was given to the performance of the country in the transposition of the Directive?*

No particular public attention was given to this issue, however certain publications (including newspapers and magazines) when reporting on climate change issues did mention the fact that Belgium was not able to transpose in due time the ET Directive.

.**3.-** *According to Article 9 of the Directive national allocation plans have to be established.*

a) Do they have to be national or could they also be regional?

According to Belgian civil servants responsible for the transposition of the ET Directive, the Commission should have agreed in advance with the fact that the Belgian NAP includes 3 regional allocation plans. The approval decision of the Commission of 20 October 2004 contains in its consideration (4) references to letters from the Flemish and Wallonian governments. There has been separate (bilateral) contacts between the Walloon administration and the Commission, as well as between the Flemish administration and the Commission.

The proposal from the Flemish environmental advisory council to draft one NAP and organise national public consultations was not followed.

The Belgian State Council that advises on draft legislation has in several advises on draft Walloon and Flemish ET-legislation (N° 37.039/4 of 17 May 2004 on the Walloon draft ET-decree; N° 37.522/3 of 24 December 2004 on the Flemish draft ET-Decision) stated that the ET-Directive requires 1 NAP for each MS and that no internal (Belgian) legal basis was available for the followed approach to draft 4 parts that together would constitute the NAP. More precisely the State Council stated that a new co-operation agreement was necessary and that the above-mentioned burden sharing agreement of 8 March 2004 had no legal significance and did not provide for a NAP as required by the ET Directive.

- *Compatibility with Article 175/176 (interference with rights of the regions)? Are there regional plans in your country?*

Yes

- *Please provide exact dates of the approval/publication of the plan or plans*

Flanders: draft-AP 28 May 2004 / definitive RAP 18 February 2005

The Flemish AP was approved by the regional government on 2 April 2004 (1st approval); a 1st public consultation was arranged between 7 and 24 April 2004; anyone could react; a 2nd governmental approval of the amended AP happened on 28 May 2004. This regional AP was part of the Belgian NAP that was submitted on 23 June 2004 to the Commission.

After the Commission's approval, a 2nd public consultation was arranged between 17 and 26 November 2004. This version was more elaborated than the 1st one and contained amendments based on the Commission remarks. This version also included allocations for individual installations.

Wallonia: draft-AP 17 June 2004 / / definitive 27 January 2005

A 1st public consultation on the draft-AP was organised between 3 May and 2 June 2004, after which the AP was amended, approved on 17 June 2004 and became part of the Belgian NAP submitted to the Commission. Further to remarks of the Commission, the Walloon government decided on 30 September to amend the regional plan.

After approval from the Commission a 2nd public consultation took place in November 2004. A revised AP was approved on 27 January 2005.

Brussels: draft-AP 15 April 2004 (only 15 installations (half services industry)

In this region only 15 installations are covered by the ET Directive

Also in Brussels 2 public consultations were organised

National AP: draft-NAP 23 June 2004 /

Two public consultations took place (10-21 April / 25 October-4 November 2004). The consultation was only with respect to the „federal“ part of the NAP, namely some installations in 2 sites of nuclear power plants, for which an opt-out was requested (and accepted by the Commission)

b) *Was the public informed of the draft national allocation plans (NAC)?*

- *Was there a possibility to comment or to rectify the original data?*

Yes

- *Or was the content of the plan discussed with affected industries only?*

No

- *Was there a publication of the plan in draft form?*

Yes

c) *What allocation criteria were followed in your country?*

The criteria included in the ET Directive (Annex III).

Or does the plan just mirror political power play?

Partially

What kind of empirical information was used in order to draft the plan?

Information that was already available and additional information

Was it really accurate/updated?

Where possible, updates were done. In Flanders a letter was sent to companies in order to submit an inventory of CO-2-emissions of the installation(s) for the year 2003. The information was to be submitted before 26 March 2004.

d) *What happens if the Commission exceeds the three months attributed to it under Article 9(3)?*

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What is the situation in your country in similar legislative cases?

It depends on the precise wording of the provision and the fact if there is a sanction linked to the non-action. A non-action could be understood as an implicit approval.

e) *Would Article 10 allow Member States to recur to Article 176 EC Treaty?*

Maybe

If so, did your state allocate lower percentages?

No, allowances are given for free

f) *What is the weight of Clean Development Mechanisms as compared with pure „reductions" in emissions?*

At the federal level and at all 3 regional levels, separate „Kyoto funds" have been created in order to create investment opportunities (participation to multilateral initiatives; participation to CDM-projects by companies).

See below

.4.- *Article 11(1) provides that before 1 October 2004 Member States shall decide on the total number of allowances and their repartition on each installation, "taking due account of comments from the public".*

a) *Did the public have the opportunity to make comments?*

Yes

How did this procedure develop?

The allocations to individual installations were part of the regional / federal AP

- *Was the draft decision published?*

  Yes

- *Was it transparent?*

  Yes

  Final ministerial decisions were published in the State Gazette (Staatsblad, Official Journal):

  - For Walloon region (decision of 27 January 2005) : 10 February 2005
  - For Flanders (decision of 28 February 2005): 4 April 2005

b) *What distributional choices were involved in the repartition on the single installations?*

Both the Walloon and Flemish AP explicitly state that no other criteria were used than the ones included in Annex III of the ET-Directive. The Walloon AP is more explicitly about the use of voluntary covenants, but also the Flemish AP has been criticized for being to loose on the use of the benchmarking approach.

Nevertheless, it has been said that compared to other NAP's from MS, the Belgian one (so mainly the AP's from the Walloon and Flemish region) could be considered is rather stringent. Appeals to the published allocations are not known. However the Walloon legislation (decree) contains an explicit appeal opportunity, such a provision is not included in the Flemish ET-regulation.

.5. *Art. 12 provides that the trading of emission allowances shall be possible.*

a) *How is trading supervised in your country?*

The approach is under development, but the responsibility for supervising the trading will be shared amongst the regions and the federal level.

For the register, Belgium has opted for the French system.

b) *Is trading also possible for other bodies than installations, such as a fund, a charity, a millionaire who has an interest in preventing climate change?*

In principle yes, but practical (administrative) and financial requirements may be burdensome for individual „investors“.

c) *To which extent is transparency for the public ensured?*

   (knowledge of trading transactions, etc)

Complete transparency is foreseen.

d) * *How as „allowance" been translated in your country?*

In Dutch: „emissierecht"

In French : „quota"

- *Does your national linguistic version of the term „allowance" convey the idea of a „right" (subjective/objective) to pollute? (like the Spanish does)*

Yes, as this right is linked to a governmental decision that allows a certain activity including its polluting consequences

*e) * What is the legal nature of the „trading"?*

Essentially the trading will be regulated by sale/purchase – arrangements (contracts)

- *Is there any doctrinal controversy about the possibility of „trading" on „rights"? (provided the question to „d" was positive)*

Up to now not, but of course from a (certain) green ideological perspective the use of the flexible mechanisms is not favoured at all.

In Belgium, there is a limited experience with the trade of „production rights" (milk-quota), and there seems to be a growing practice of trading „manure deposition rights".

f) Has there been much discussion about other areas of law that might be relevant to this dogmatic issues (eg.property rights, tax law, administrative law, etc.)

Not yet

. *6*. *Arts. 14 – 16 provide guidance for monitoring, verification and penalties.*

a) How is monitoring and verification organised in your country?

Above mentioned regional regulations include provisions on monitoring and verification.

For Flanders on 25 March 2005 a Monitoring Protocol-approach has been approved. In the Flemish region it has been decided that the Verification Office that is responsible with the control of the Benchmarking approach will also verify the CO-2-emission-reports.

*b) * What about the penalties that were fixed according to Article 16?*

They have been transposed into the regional regulations.

Are they effective, proportionate and dissuasive?

The future will enlighten us

Are they of criminal, administrative or civil law nature?

According to me the ET-Directive-sanctions (see also art. 15, 20) feature a mixture, and their nature will be cleared in the transposition in the MS. The Flemish ET-regulation is mainly administrative.

Are they comparable to national sanctions in similar, comparable cases?

As ET is new, I think it's hard to speak about „similar, comparable cases

In Belgium there is a limited possibility for „naming and shaming" as a penalty in financial regulation.

Is there any fear that penalties might be too divergent from one country to the other?

Not really

c) *How is transparency of monitoring and verification results ensured?*

The Flemish ET-regulation has amended the Environmental Permit regulations and stipulate explicitly that verified and validated CO-2-emission-reports are publicly available and will be published on the internet.

***.7.** The emission allowance scheme and traditional BAT approach under the IPPC Directive 96/61 somewhat conflict with each other.*

a) *Is there a discussion in your country on whether there are vested rights and permits of industry disallowing to turn them into allowances which must finally be purchased.*

Not really

b) *Inversely, Article 26 provides that permits under Directive 96/61 shall not contain emission limit values for greenhouse gases, when the installation participates in emission trading. Is there any discussion in your country, whether this is a departure from the concept of "best available technology"?*

Not really. This is of course the consequence of preferring and economic approach in stead of a hardly enforceable command and control – approach, however voluntary commitments or benchmarking may imply the use already by installations of BAT or at least „better than common available technology"...

May countries not provide for this derogation (under Article 176 EC)?

Given the basic approach of ET, the application of this article seems rather problematic, as it reflects a C&C-approach within a certain territory and thus incompatible with an „open market, indirect" regulatory system.

***.8.** Directive 2004/101 (OJ 338/2004 p. 18) provides a framework for joint implementation („JI") (see Art. 6 Kyoto Protocol) and the clean development mechanism („CDM")(see. Art. 12 Kyoto Protocol).*

a) *Is there a discussion in your country about whether JI and CDM will be used?*

All planned measures in Belgium are not sufficient to fulfil the required reduction. At present there is a shortage of 14,03 million CO_2 eq/annually Federal measures should lead to a reduction of 4,8 million ton CO_2 eq annually or 34,2 % of this shortage. Purchase of emission rights by the federal government should cover 2,46 million ton CO_2 eq annually or 17,5 % of the shortage. So in total the federal government covers 51,7% of the shortage.

The Belgian federal government is planning to acquire emission reduction units from JI and CDM projects for an initial budget of 10 millions Euros in 2005.

Therefore, a first public tender for the purchase of these units is currently being finalised and is scheduled to be launched by the end of May 2005. (The Flemish government has already organised a tender (end 2004) that was not very successful.

The Procurement Procedure
The Belgian federal JI/CDM tender is conducted pursuant to the "EU negotiation procedure with public announcement" as defined by EU Directive 92/50/EEC and transposed into Belgian law.
The Belgian State will therefore purchase emission reduction units through a two stage procedure:

1. In the First phase, potential Suppliers will be selected on the basis of an "Expression of Interest" that will have to be submitted before 23 September 2005. Through this EoI they will have to express their interest in selling emission reduction units and justify their administrative, technical and financial capacity to deliver these units.

2. In the Second phase, the potential Suppliers that have been selected out of the First Phase will be invited to submit a "Proposal" (November 2005 to February 2006). A validated Project Design Document (PDD) will be requested and the projects will be evaluated on the basis of their contribution to sustainable development, their certainty of delivering emission reduction units and the price per units.

Successful suppliers will then be invited to enter into contract negotiations and subsequently to sign an Emission Reduction Purchase Agreement with the Belgian State.

So until 2007 the federal government 2007 shall only use JI and CDM . A technical committee shall select the projects based on their sustainability and costs. The purchase of these emission rights will be financed by the 'Kyoto'-fund.

After 2007 an evaluation shall be done in order to assess if the Kyoto-fund can completely cover the purchase of emission rights via JI and CDM. If costs will be too high to reach the federal objective, emissions rights could be acquired via International Emissions Trading. The advice of a technical committee with expertise in financial markets shall be taken into account. Also ODA-finances

could be used for certain aspects of CDM-projects (e.g. capacity building, research and other transaction costs)

What will be the organisational devices in your country ensuring the requirements of a fair use of JI and CDM, and in particular its additionality, truthfulness and transparency?

No information available

.9. *Could or should emission trading be introduced in other sectors (water, waste)?*

As some EU-MS (UK) or other national experiences (Australia) reveal there are opportunities, but maybe some results of the new GHG-ET should be assessed before widening already the field of application.

.10. *To which extent emissions trading has been discussed so far in your national legal literature?*

Not much

11.- *Besides emissions trading and national plans, does your national legislation create other kinds of devices, such as a specific permit for releasing greenhouse gases emissions? If this is the case, what is the relation between the plan, the trading mechanism and the permit? What body/level of Administration is responsible for performing the respective duties and responsibilities?*

Each region has linked the GHG-permit to the environment permit and most duties and responsibilities for the planning and permitting remain within the Environment Administrations that co-operate closely with the Energy Administrations.

At the federal level a Climate Unit (within the federal Environment Administration) has been established and quite well staffed in order to play a national co-ordinating and supervising role.