



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

COMMISSION DECISION

of **XXX**

**on the standard capacity utilisation factor pursuant to Article 18(2) of Decision
2011/278/EU**

(Text with EEA relevance)

COMMISSION DECISION

of **XXX**

on the standard capacity utilisation factor pursuant to Article 18(2) of Decision 2011/278/EU

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC¹, and in particular Article 10a thereof,

Whereas:

- (1) In order to enable Member States to determine in accordance with Article 18(1) and Article 18(3) of Decision 2011/278/EU² the activity levels of new entrant installations pursuant to Article 3(h) of Directive 2003/87/EC, the Commission has to determine and publish standard capacity utilisation factors.
- (2) For the purpose of calculating the number of free emission allowances to be allocated to new entrant installations eligible for such allocation in the period 2013-2020, Member States have to determine the activity levels of these installations. In this context, the standard capacity utilisation factor is necessary to determine the product-related activity level for products for which a product benchmark has been determined in Annex I to Decision 2011/278/EU. For new entrant installations, with the exception of new entrants due to a significant extension, this activity level is determined by multiplying the initial installed capacity for the production of this product in accordance with Article 17(4) of Decision 2011/278/EU with the standard capacity utilisation factor. For installations which had a significant capacity extension or reduction, Member States are to use the standard capacity utilisation factor to determine the product-related activity level of the added or reduced capacity of the sub-installation concerned.
- (3) The standard capacity utilisation factor should be the 80-percentile of the average annual capacity utilisation of all installations producing the product concerned. As part of the overall baseline data collection for incumbent installations carried out for the establishment of the National Implementation Measures (NIMs) Member States collected data on the average annual production of the product concerned in the period 2005-2008. By dividing these production figures by the initial installed capacity as

¹ OJ L 275, 25.10.2003, p. 32.

² Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council, OJ L 130, 17.05.2011, p. 1.

referred to in Article 7(3) of Decision 2011/278/EU, Member States then determined, on this basis, the capacity utilisation factors of the relevant installations on their territory. Member States then shared this information with the Commission as part of the NIMs.

- (4) Upon receipt of the NIMs from all Member States and taking into account the NIMs of the EEA-EFTA countries, the Commission determined the 80-percentile of the average annual capacity utilisation factors of installations producing a product for which a benchmark exists, taking into account the need to ensure neutral conditions of competition for industrial activities carried out in installations operated by a single operator and production in outsourced installations. The calculation is based on information available to the Commission up until 31 December 2012.
- (5) The standard capacity utilisation factors per product benchmark are set out in Annex to this Decision. These factors apply for the years 2013 to 2020.

HAS ADOPTED THIS DECISION:

Article 1

The standard capacity utilisation factors listed in Annex shall be used by Member States to determine the product-related activity level of installations referred to in Article 3(h) of Directive 2003/87/EC in accordance with Article 18 of Decision 2011/278/EU.

Article 2

This Decision shall enter into force on the first day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

Connie HEDEGAARD

*For the Commission
Member of the Commission*

ANNEX

Product benchmark listed in Annex I of Decision 2011/278/EU	Standard capacity utilisation factor (SCUF)
Coke	0,960
Sintered ore	0,886
Hot metal	0,894
Pre-bake anode	0,928
Aluminium	0,964
Grey cement clinker	0,831
White cement clinker	0,787
Lime	0,813
Dolime	0,748
Sintered dolime	0,784
Float glass	0,946
Bottles and jars of colourless glass	0,883
Bottles and jars of coloured glass	0,912
Continuous filament glass fibre products	0,892
Facing bricks	0,809
Pavers	0,731
Roof tiles	0,836
Spray dried powder	0,802
Plaster	0,801
Dried secondary gypsum	0,812
Short fibre kraft pulp	0,808
Long fibre kraft pulp	0,823
Sulphite pulp, thermo-mechanical and mechanical pulp	0,862
Recovered paper pulp	0,887
Newsprint	0,919
Uncoated fine paper	0,872
Coated fine paper	0,883
Tissue	0,900
Testliner and fluting	0,889
Uncoated carton board	0,863
Coated carton board	0,868
Nitric acid	0,876
Adipic acid	0,849
Vinyl chloride monomer (VCM)	0,842
Phenol/ acetone	0,870
S-PVC	0,873
E-PVC	0,834
Soda ash	0,926
Refinery products	0,902
EAF carbon steel	0,798
EAF high alloy steel	0,802

Product benchmark listed in Annex I of Decision 2011/278/EU	Standard capacity utilisation factor (SCUF)
Iron casting	0,772
Mineral wool	0,851
Plasterboard	0,843
Carbon black	0,865
Ammonia	0,888
Steam cracking	0,872
Aromatics	0,902
Styrene	0,879
Hydrogen	0,902
Synthesis gas	0,902
Ethylene oxide/ ethylene glycols	0,840