

Date	Milestone ¹	Description of the milestone	Involved stakeholders	Role of the stakeholders	Available public participation
5 June 2009	Directive 2009/29/EC published	Directive 2009/29/EC introducing Article 10c, Option for transitional free allocation for the modernisation of electricity generation published in the Official Journal of the EU	EC		-
25 June 2009	Directive 2009/29/EC entered into force	Directive 2009/29/EC introducing Article 10c, Option for transitional free allocation for the modernisation of electricity generation, entered into force	EC, Member States		-
1 October 2009	Transposition of the Article 10c of Directive 2009/29/EC in the Czech legislation entered into force	Amendment to the Czech Emission Trading Act 695/2004 introducing Article 10a – Transitional free allocation for the modernisation of electricity generation entered into force	Czech Republic		-
By 31 October 2009	Call for electricity generators to submit documents for processing of the Application	Pursuant to Article 10a of the Czech Act 695/2004, the Ministry was supposed to call eligible electricity generators to submit requisite supporting documents for the processing of the Application	Ministry of Environment, the electricity generators	The electricity generators were supposed to submit specified documents to the Ministry of Environment for processing of the Application	-
24 March 2010	Amendment to the Czech Emission Trading Act 695/2004 was adopted	Pursuant to the change made to Article 10a of the Czech Act 695/2004, the deadline for the submission of the documents by the electricity generators was postponed from the 31 March 2010 to 30 June 2010.	Czech Republic, Czech Parliament, with the consequences for the electricity generators	The eligible electricity generators were provided 3 more months for the submission of the relevant documents	-

¹ The Communicant would like to emphasise the importance of the milestones written in bold, the rest of the information is provided for the further detail and clarification of the overall context.

From April 2010	Requests for access to information	The Communicant systematically requests information on the process of the preparation and the preparatory content of the Application, mainly about its essential part - the National Investment Plan, and on the developments in the issue.	Ministry of Environment, Communicant	Access to information - requested by the Communicant.	-
By 30 June 2010	Electricity generators had to submit the necessary information to the Ministry of Environment	Pursuant to Article 10a of the Czech Act 695/2004, the electricity generators were supposed to submit the necessary information for the processing of the Application to the Ministry of Environment.	Ministry of Environment, the electricity generators		-
30 November 2010	The Application was to be submitted to the Government and published	Pursuant to Article 10a of the Czech Act 695/2004, the Ministry of Environment was to submit the Application to the Government and to publish it in a manner allowing for a remote access.	Ministry of Environment, Government	According to the Ministry of Environment, by this date the Application was submitted to the Government, which ordered the Ministry of Environment to rewrite the Application accordingly to the Commissions' Guidelines once they are published. The information was not publicly available and the Communicant learnt it in the course of the preparation of this chronology.	-
3 December 2010	The Application was published on the Ministry of Environment website	The first version of the Application was published on the internet. No public consultation was available/ no call for comments from the public.	Ministry of Environment		No
31 March 2011	Guidance document from the EC published	The Guidance document from the EC is published in the Official Journal of the EU (2011/C 99/03)	EC	The Ministry of Environment had to assess the requirements laid	-

				down in the Guidance and call for additional information from the applying electricity generators.	
21 April 2011	Communication between the Ministry of Environment and the Communicant continues	Reply from the Ministry of Environment to the Communicant stating <i>“in the next days the call for the additional information necessary under the Guidance document will be sent to the power generators. ...who will have 3 – 4 weeks for submitting the missing information. After the completion of the data and changes to the Application, the Application will be submitted to the Government and published.”</i>	Ministry of Environment, Communicant		No
19 August 2011	Public consultation announced and launched	Ministry of Environment publishes the information about the public consultation on the Application and the preliminary allocations.	Ministry of Environment, Public, among other NGOs, the Communicant	The only officially announced and carried out consultation in the whole process of the preparation of the Application and the National Investment Plan	Yes
25 August 2011	Public consultation ongoing ²	Ministry of Environment was informed that only the Application and Allocations are published on the web site. The Ministry immediately corrected the error and added the National Investment Plan to the published documents ³ .	Ministry of Environment, Public, among other NGOs, the Communicant		
26 August 2011	The end of the consultation period.	The Communicant together with other NGOs provided their comments. The Communicant claims	Ministry of environment, Public, among other NGOs		-

² Position of the Ministry of Environment, the Communicant does not share this position.

³ As evidenced by date of publishing of the document on the Ministry web site [http://www.mzp.cz/C1257458002F0DC7/cz/derogace/\\$FILE/ozk-investice_10c-20110825.pdf.pdf](http://www.mzp.cz/C1257458002F0DC7/cz/derogace/$FILE/ozk-investice_10c-20110825.pdf.pdf) . With regard to this claim the Communicant notes that the date stated in the web link could not be regarded as the official publication date.

		that at least until the afternoon, the National Investment Plan was not published/available for the public consultation. From the submission of the comments, the Communicant neither any of the other NGOs received any information from the Ministry of Environment on this consultation, their submitted comments or on the further developments of the issue in question.	the Communicant		
12 September 2011	Public campaign in the Czech Republic	The Communicant continued its effort to raise the issue also after the closure of the consultation process in August. Before the meeting of the Government the public request to the Czech Government was sent calling for the rejection of the Application and the National Investment Plan. The public call from almost 1000 individuals and the various organisations.	Public, the Communicant	The action was based on the initiative of the Communicant	-
21 September 2011	Approval of the Application and the National Investment Plan by the Czech Government	The Government unanimously approves the Application and the National Investment Plan ⁴	Czech Government		-
29 September 2011	The Application together with the National Investment Plan submitted to the European Commission	The Czech Republic, Ministry of Environment, submits the Application and the National Investment Plan to the European Commission	Ministry of Environment, EC		-
30	The general	Deadline for submission of	Member		-

⁴ Press release of the Ministry of Environment, „The Government unanimously approves the application for emission allowances“. Available at: http://www.mzp.cz/en/news_110922_emission_allowances.

September 2011	deadline for the submission of the applications to the European Commission	the application by the Member States concerned, established in Article 10c, para.5 of the Directive 2009/29/EC	States concerned, among others the Czech Republic		
5 December 2011	Shadow report from the Communicant sent to the EC	The Communicant submits the critical report to the European Commission - representatives of DG Clima ⁵	Communicant, Representatives of the EC	The initiative of the Communicant with aim to inform the Commission about the main flaws of the Czech Application	No formal consultation process
14 December 2011	The Commission sends a list of requests for clarification and additional information	The Commission requires the Ministry of Environment to submit additional information, especially regarding the eligibility of several installations and investments. The Commission stressed, that in the absence of a reply covering all the aspects raised, the Commission may have to reject the Application.	Ministry of Environment, EC		No information on the communication available to the public.
16 January 2012	Additional information from the Czech Republic sent to the EC	On the basis of requirements of the European Commission the Czech Republic submitted additional information to the European Commission in order to complete the notified plan and reply to questions from the Commission	Ministry of Environment, EC		No information on the communication available to the public.
19 January 2012	Consultation of the Shadow report at a meeting with the representatives of the EC	The Communicant together with other European Environmental NGOs asked the EC for a meeting where the issues raised in the NGOs shadow reports were discussed	Communicant, other European Environmental NGOs, Representatives of the EC	The initiative of the Communicant with aim to discuss in person the main flaws of the Czech Application and the National Investment Plan	No formal consultation process
2 April 2012	Shadow report from the	The Communicant submits the critical report to the	Communicant, Representative	The initiative of the	No formal consultation

⁵ The report is available on http://www.eps.cz/sites/default/files/publikace/report-on-czech-10c-application_final.pdf.

	Communicant sent to the EC	Commission, DG Competition, focused on the state aid aspects of the free allocation of allowances in the Czech Republic ⁶	s of the EC	Communicant with aim to inform the Commission about the main flaws of the Czech Application	process
21 June 2012	Additional information and corrections sent from the Czech Republic to the EC	The Czech Republic submitted additional information and the corrections to the Application and the National Investment Plan to the Commission in order to reply to questions and meet the requirements of the Commission.	Ministry of Environment, EC		No information on the communication available to the public.
6 July 2012	Approval by the European Commission	The European Commission approves the Czech Application and its essential part, the National Investment Plan ⁷	EC		-
31 July 2012	Notification to the Commission, DG Competition ⁸	The ministry of Environment submits the notification of the Application under the EU State aid rules. This was followed by several months of discussion, questions from the Commission and requirements for amending the Application.	Ministry of Environment, EC		-
19 December 2012	Approval with regard to the State aid	After the Czech Republic had adjusted the Application, the Commission, DG Competition decided that the Decision of the Czech Republic to grant free allowances is compatible with the internal market under the state aid rules ⁹	EC	The Commission states in the decision, how it dealt with the allegations expressed by the Communicant in the Shadow Report from 2 April 2012.	-

⁶ The report is available on http://en.eps.cz/sites/default/files/publikace/report_on_the_czech_application.pdf.

⁷ http://ec.europa.eu/clima/policies/ets/cap/auctioning/docs/comm_dec_2012_4576_en.pdf.

⁸ The process of notification is formal and separate procedure established by the EU law.

⁹ http://ec.europa.eu/competition/state_aid/cases/246239/246239_1398526_153_2.pdf.