

Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)

CHAPTER II

MONITORING PLAN

SECTION 2

Technical feasibility and unreasonable costs

Article 17

Technical feasibility

Where an operator or aircraft operator claims that applying a specific monitoring methodology is technically not feasible, the competent authority shall assess the technical feasibility taking the operator's or aircraft operator's justification into account. That justification shall be based on the operator or aircraft operator having technical resources capable of meeting the needs of a proposed system or requirement that can be implemented in the required time for the purposes of this Regulation. Those technical resources shall include availability of required techniques and technology.

Article 18

Unreasonable costs

1 Where an operator or aircraft operator claims that applying a specific monitoring methodology incurs unreasonable costs, the competent authority shall assess the unreasonable nature of the costs, taking into account the operator's justification.

The competent authority shall consider costs unreasonable where the cost estimation exceeds the benefit. To that end, the benefit shall be calculated by multiplying an improvement factor with a reference price of EUR 20 per allowance and costs shall include an appropriate depreciation period based on the economic lifetime of the equipment.

2 When assessing the unreasonable nature of the costs with regard to the choice of tier levels for activity data, the competent authority shall use as the improvement factor referred to in paragraph 1 the difference between the uncertainty currently achieved and the uncertainty threshold of the tier which would be achieved by the improvement multiplied by the average annual emissions caused by that source stream over the three most recent years.

In the absence of the average annual emissions caused by that source stream over the three most recent years, the operator or aircraft operator shall provide a conservative estimate of the annual average emissions, with the exclusion of CO₂ stemming from biomass and before subtraction of transferred CO₂. For measuring instruments under national legal metrological control, the uncertainty currently achieved may be

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substituted by the maximum permissible error in service allowed by the relevant national legislation.

3 When assessing the unreasonable nature of the costs with regard to measures increasing the quality of reported emissions but without direct impact on the accuracy of activity data, the competent authority shall use an improvement factor of 1 % of the average annual emissions of the respective source streams of the three most recent reporting periods. Those measures may include:

- a a switch from default values to analyses for the determination of calculation factors;
- b an increase of the number of analyses per source stream;
- c where the specific measuring task does not fall under national legal metrological control, the substitution of measuring instruments with instruments complying with relevant requirements of legal metrological control of the Member State in similar applications, or to measuring instruments meeting national rules adopted pursuant to Directive 2004/22/EC or Directive 2009/23/EC of the European Parliament and of the Council⁽¹⁾;
- d shortening of calibration and maintenance intervals of measuring instruments;
- e improvements of data flow activities and control activities reducing the inherent or control risk significantly.

4 Measures relating to the improvement of an installation's monitoring methodology in accordance with Article 69 shall not be deemed to incur unreasonable costs up to an accumulated amount of EUR 2 000 per reporting period. For installations with low emissions that threshold shall be EUR 500 per reporting period.

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(1) [OJ L 122, 16.5.2009, p. 6.](#)