

Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 (Text with EEA relevance)

CHAPTER VIII

FINAL PROVISIONS

Article 76

Amendments to Regulation (EU) No 601/2012

Regulation (EU) No 601/2012 is amended as follows:

- (1) In Article 12(1), third subparagraph, point (a) is replaced by the following:
 - (a) for installations, evidence for each major and minor source stream demonstrating compliance with the uncertainty thresholds for activity data and calculation factors, where applicable, for the applied tiers as defined in Annexes II and IV, as well as for each emission source demonstrating compliance with the uncertainty thresholds for the applied tiers as defined in Annex VIII, where applicable;
- (2) In Article 15, paragraph 4, subparagraph (a) is replaced by the following:
 - (a) with regard to the emission monitoring plan:
 - (i) a change of emission factor values laid down in the monitoring plan;
 - (ii) a change between calculation methods as laid down in Annex III, or a change from the use of a calculation method to the use of estimation methodology in accordance with Article 55(2) or *vice versa*;
 - (iii) the introduction of new source streams;
 - (iv) changes in the status of the aircraft operator as a small emitter within the meaning of Article 55(1) or with regard to one of the thresholds provided by Article 28a(6) of Directive 2003/87/EC;
- (3) Article 49 is replaced by the following:

Article 49

Transferred CO₂

- 1 The operator shall subtract from the emissions of the installation any amount of CO₂ originating from fossil carbon in activities covered by Annex I to Directive 2003/87/EC that is not emitted from the installation, but:
 - a transferred out of the installation to any of the following:

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- (i) a capture installation for the purpose of transport and long-term geological storage in a storage site permitted under Directive 2009/31/EC;
 - (ii) a transport network with the purpose of long-term geological storage in a storage site permitted under Directive 2009/31/EC;
 - (iii) a storage site permitted under Directive 2009/31/EC for the purpose of long-term geological storage;
- b transferred out of the installation and used to produce precipitated calcium carbonate, in which the used CO₂ is chemically bound.

2 In its annual emissions report, the operator of the transferring installation shall provide the receiving installation's installation identification code recognised in accordance with the acts adopted pursuant to Article 19(3) of Directive 2003/87/EC, if the receiving installation is covered by that Directive. In all other cases, the operator of the transferring installation shall provide the name, address and contact information of a contact person for the receiving installation.

The first subparagraph shall also apply to the receiving installation with respect to the transferring installation's installation identification code.

3 For the determination of the quantity of CO₂ transferred from one installation to another, the operator shall apply a measurement-based methodology, including in accordance with Articles 43, 44 and 45. The emission source shall correspond to the measurement point and the emissions shall be expressed as the quantity of CO₂ transferred.

For the purpose of point (b) of paragraph 1, the operator shall apply a calculation-based methodology.

4 For determining the quantity of CO₂ transferred from one installation to another, the operator shall apply the highest tier as defined in section 1 of Annex VIII.

However, the operator may apply the next lower tier provided that it establishes that applying the highest tier as defined in section 1 of Annex VIII is technically not feasible or incurs unreasonable costs.

For determining the quantity of CO₂ chemically bound in precipitated calcium carbonate, the operator shall use data sources representing highest achievable accuracy.

5 The operators may determine quantities of CO₂ transferred out of the installation both at the transferring and at the receiving installation. In such cases, Article 48(3) shall apply.

(4) Article 52 is amended as follows:

- (a) paragraph 5 is deleted;
- (b) paragraph 6 is replaced by the following:

6. Where the amount of fuel uplift or the amount of fuel remaining in the tanks is determined in units of volume, expressed in litres, the aircraft operator shall convert that amount from volume to mass by using density values. The aircraft operator shall use the fuel density (which may be an

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actual or a standard value of 0,8 kg per litre) that is used for operational and safety reasons.

The procedure for informing the use of actual or standard density shall be described in the monitoring plan along with a reference to the relevant aircraft operator documentation.

(c) paragraph 7 is replaced by the following:

7. For the purposes of the calculation referred to in paragraph 1, the aircraft operator shall use the default emission factors set out in Table 2 in Annex III. For fuels not listed in that table, the aircraft operator shall determine the emission factor in accordance with Article 32. For such fuels, the net calorific value shall be determined and reported as a memo-item.

(5) In Article 54, paragraph 2, subparagraph 1 is replaced by the following:

2. By way of derogation from Article 52, small emitters may estimate the fuel consumption using tools implemented by Eurocontrol or another relevant organisation, which can process all relevant air traffic information and avoid any underestimations of emissions.

(6) Article 55 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. The aircraft operator shall consider sources of uncertainty and their associated levels of uncertainty when selecting the monitoring methodology pursuant to Article 52(2).

(b) paragraphs 2, 3 and 4 are deleted

(7) In Article 59, paragraph 1 is replaced by the following:

For the purposes of point (a) of Article 58(3), the operator shall ensure that all relevant measuring equipment is calibrated, adjusted and checked at regular intervals including prior to use, and checked against measurement standards traceable to international measurement standards, where available, in accordance with the requirements of this Regulation and proportionate to the risks identified.

Where components of the measuring systems cannot be calibrated, the operator shall identify those in the monitoring plan and propose alternative control activities.

When the equipment is found not to comply with required performance, the operator shall promptly take necessary corrective action.

(8) In Article 65(2), a third subparagraph is added:

Where the number of flights with data gaps referred to in the first two subparagraphs exceed 5 % of the annual flights that are reported, the operator shall inform the competent authority thereof without undue delay and shall take remedial action for improving the monitoring methodology.

(9) In Annex I, section 2 is amended as follows:

(a) point (2)(b)(ii) is replaced by the following:

(ii) procedures for the measurement of fuel uplifts and fuel in tanks, a description of the measuring instruments involved and the

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- procedures for recording, retrieving, transmitting and storing information regarding measurements, as applicable;
- (b) point (2)(b)(iii) is replaced by the following:
- (iii) the method for the determination of density, where applicable;
- (c) point (2)(b)(iv) is replaced by the following:
- (iv) justification of the chosen monitoring methodology, in order to ensure lowest levels of uncertainty, according to Article 55 (1);
- (d) point (2)(d) is deleted
- (e) point (2)(f) is replaced by the following:
- (f) a description of the procedures and systems for identifying, assessing and handling data gaps pursuant to Article 65(2).
- (10) In Annex III, section 2 is deleted.
- (11) Annex IV is amended as follows:
- (a) in section 10, subsection B, the fourth paragraph is deleted;
- (b) in section 14, subsection B, the third paragraph is deleted.
- (12) Annex IX is amended as follows:
- (a) section 1, point (2) is replaced by the following:
- Documents justifying the selection of the monitoring methodology and the documents justifying temporal or non-temporal changes of monitoring methodologies and, where applicable, tiers approved by the competent authority;
- (b) section 3, point (5) is replaced by the following:
- (5) Documentation on the methodology for data gaps where applicable, the number of flights where data gaps occurred, the data used for closing the data gaps, where they occurred, and, where the number of flights with data gaps exceeded 5 % of flights that were reported, reasons for the data gaps as well as documentation of remedial actions taken.
- (13) In Annex X, section 2 is amended as follows:
- (a) point (7) is replaced by the following:
- (7) The total number of flights per State pair covered by the report;
- (b) the following point is added below point (7):
- (7a) Mass of fuel (in tonnes) per fuel type per State pair;
- (c) point (10)(a) is replaced by the following:
- (a) the number of flights expressed as percentage of annual flights for which data gaps occurred; and the circumstances and reasons for data gaps that apply;

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- (d) point (11)(a) is replaced by the following:
 - (a) the number of flights expressed as percentage of annual flights (rounded to the nearest 0,1 %) for which data gaps occurred; and the circumstances and reasons for data gaps that apply;

Article 77

Repeal of Regulation (EU) No 601/2012

1 Regulation (EU) No 601/2012 is repealed with effect from 1 January 2021.

References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex XI.

2 The provisions of Regulation (EU) No 601/2012 shall continue to apply to the monitoring, reporting and verification of emissions and, where applicable, activity data, occurring prior to 1 January 2021.

Article 78

Entry into force and application

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

It shall apply from 1 January 2021.

However, Article 76 shall apply from 1 January 2019 or the date of entry into force of this Regulation, whichever is the later.

Changes to legislation:

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