

Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 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 (Text with EEA relevance)

CHAPTER II

Application, data reporting and monitoring rules

Article 9

Changes to the monitoring methodology plan

- 1 The operator shall regularly check whether the monitoring methodology plan reflects the nature and functioning of the installation and whether it can be improved. To this end, the operator shall take account of any recommendations for improvements included in the relevant verification report.
- 2 The operator shall modify the monitoring methodology plan in any of the following situations:
 - a new emissions or activity levels occur due to new activities carried out or due to the use of new fuels or materials not yet contained in the monitoring methodology plan;
 - b the use of new measuring instrument types, new sampling or analysis methods or new data sources, or other factors, lead to higher accuracy in the determination of reported data;
 - c data resulting from the previously applied monitoring methodology has been found incorrect;
 - d the monitoring methodology plan is not, or no longer, in conformity with the requirements of this Regulation;
 - e it is necessary to implement recommendations for improvement of the monitoring methodology plan contained in a verification report.
- 3 The operator shall notify any intended modification of the monitoring methodology plan to the competent authority without undue delay. However, a Member State may allow the operator to notify, by 31 December of the same year or by another date set by the Member State, intended modifications of the monitoring methodology plan that are not significant within the meaning of paragraph 5.
- 4 Any significant modification of the monitoring methodology plan within the meaning of paragraph 5 shall be subject to approval by the competent authority. Where the competent authority considers that a modification that has been notified by the operator as significant is not significant, it shall inform the operator thereof.
- 5 The following modifications of the monitoring methodology plan of an installation shall be considered significant:
 - a modifications resulting from changes to the installation, in particular new sub-installations, changes to the boundaries of existing sub-installations or closures of sub-installations;

Status: Point in time view as at 19/12/2018.

Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/331. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- b a switch from a monitoring methodology laid down in sections 4.4 to 4.6 of Annex VII to another methodology laid down in those sections;
 - c the change of a default value or estimation method laid down in the monitoring methodology plan;
 - d changes requested by the competent authority to ensure conformity of the monitoring methodology plan with the requirements of this Regulation.
- 6 The operator shall keep records of all modifications of the monitoring methodology plan. In each record, the following shall be specified:
- a a transparent description of the modification;
 - b a justification for the modification;
 - c the date of notification of the intended modification to the competent authority;
 - d the date of acknowledgement, by the competent authority, of the receipt of the notification referred to paragraph 3, where available, and the date of the approval or provision of information referred to in paragraph 4;
 - e the starting date of implementation of the modified monitoring methodology plan.

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