

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gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)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 1*

**General rules**

*Article 11*

**General obligation**

1 Each operator or aircraft operator shall monitor greenhouse gas emissions, based on a monitoring plan approved by the competent authority in accordance with Article 12, taking into account the nature and functioning of the installation or aviation activity to which it applies.

The monitoring plan shall be supplemented by written procedures which the operator or aircraft operator establishes, documents, implements and maintains for activities under the monitoring plan, as appropriate.

2 The monitoring plan referred to in paragraph 1 shall describe the instructions to the operator or aircraft operator in a logical and simple manner, avoiding duplication of effort and taking into account the existing systems in place at the installation or used by the operator or aircraft operator.

*Article 12*

**Content and submission of the monitoring plan**

1 An operator or an aircraft operator shall submit a monitoring plan to the competent authority for approval.

The monitoring plan shall consist of a detailed, complete and transparent documentation of the monitoring methodology of a specific installation or aircraft operator and shall contain at least the elements laid down in Annex I.

Together with the monitoring plan, the operator or aircraft operator shall submit all of the following supporting documents:

- [<sup>F1</sup>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;]

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- b the results of a risk assessment providing evidence that the proposed control activities and procedures for control activities are commensurate with the inherent risks and control risks identified.

2 Where Annex I makes a reference to a procedure, an operator or an aircraft operator shall establish, document, implement and maintain such a procedure separately from the monitoring plan.

The operator or the aircraft operator shall summarise the procedures in the monitoring plan providing the following information:

- a the title of the procedure;
- b a traceable and verifiable reference for identification of the procedure;
- c identification of the post or department responsible for implementing the procedure and for the data generated from or managed by the procedure;
- d a brief description of the procedure allowing the operator or aircraft operator, the competent authority and the verifier to understand the essential parameters and operations performed;
- e the location of relevant records and information;
- f the name of the computerised system used, where applicable;
- g a list of EN standards or other standards applied, where relevant.

The operator or aircraft operator shall make any written documentation of the procedures available to the competent authority upon request. They shall also make them available for the purposes of verification pursuant to Commission Regulation (EU) No 600/2012<sup>(1)</sup>.

3 In addition to the elements referred to in paragraphs 1 and 2 of this Article, Member States may require further elements to be included in the monitoring plan of installations to meet the requirements of Article 24(1) of Commission Decision 2011/278/EU 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<sup>(2)</sup>, including a summary of a procedure ensuring the following:

- a the operator regularly checks if information regarding any planned or effective changes to the capacity, activity level and operation of an installation is relevant under that Decision;
- b the information referred to in point (a) is submitted by the operator to the competent authority by 31 December of each year.

#### **Textual Amendments**

- F1** Substituted by [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 \(Text with EEA relevance\).](#)

### *Article 13*

#### **Standardised and simplified monitoring plans**

1 Member States may allow operators and aircraft operators to use standardised or simplified monitoring plans, without prejudice to Article 12(3).

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For that purpose, Member States may publish templates for those monitoring plans, including the description of data flow and control procedures referred to in Article 57 and Article 58, based on the templates and guidelines published by the Commission.

2 Before the approval of any simplified monitoring plan referred to in paragraph 1, the competent authority shall carry out a simplified risk assessment as to whether the proposed control activities and procedures for control activities are commensurate with the inherent risks and control risks identified, and justify the use of such a simplified monitoring plan.

Member States may require the operator or aircraft operator to carry out the risk assessment pursuant to the previous subparagraph itself, where appropriate.

#### *Article 14*

### **Modifications of the monitoring plan**

1 Each operator or aircraft operator shall regularly check if the monitoring plan reflects the nature and functioning of the installation or aviation activity in accordance with Article 7 of Directive 2003/87/EC, and whether the monitoring methodology can be improved.

2 The operator or aircraft operator shall modify the monitoring plan in any of the following situations:

- a new emissions occur due to new activities carried out or due to the use of new fuels or materials not yet contained in the monitoring plan;
- b the change of availability of data, due to the use of new measuring instrument types, sampling methods or analysis methods, or for other reasons, leads to higher accuracy in the determination of emissions;
- c data resulting from the previously applied monitoring methodology has been found incorrect;
- d changing the monitoring plan improves the accuracy of the reported data, unless this is technically not feasible or incurs unreasonable costs;
- e the monitoring plan is not in conformity with the requirements of this Regulation and the competent authority requests the operator or aircraft operator to modify it;
- f it is necessary to respond to the suggestions for improvement of the monitoring plan contained in a verification report.

#### *Article 15*

### **Approval of modifications of the monitoring plan**

1 The operator or aircraft operator shall notify any proposals for modification of the monitoring plan to the competent authority without undue delay.

However, the competent authority may allow the operator or aircraft operator to notify, by 31 December of the same year, modifications of the monitoring plan that are not significant within the meaning of paragraph 3.

2 Any significant modification of the monitoring plan within the meaning of paragraphs 3 and 4 shall be subject to approval by the competent authority.

Where the competent authority considers a modification not significant, it shall inform the operator or aircraft operator thereof without undue delay.

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3 Significant modifications to the monitoring plan of an installation shall include the following:

- a changes of the category of the installation;
- b notwithstanding Article 47(8), changes regarding whether the installation is considered an installation with low emissions;
- c changes to emission sources;
- d a change from calculation-based to measurement-based methodologies, or vice versa, used to determine emissions;
- e a change in the tier level applied;
- f the introduction of new source streams;
- g a change in the categorisation of source streams — between major, minor or *de-minimis* source streams;
- h a change of the default value for a calculation factor, where the value is to be laid down in the monitoring plan;
- i the introduction of new procedures related to sampling, analysis or calibration, where the changes of those procedures have a direct impact on the accuracy of emissions data;
- j the implementation or adaption of a quantification methodology for emissions from leakage at storage sites.

4 Significant changes to the monitoring plans of an aircraft operator shall include:

[<sup>F1</sup>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;]

b with regard to the tonne-kilometre data monitoring plan:

- (i) a change between a non-commercial and commercial status of the air transport service provided;
- (ii) a change in the object of the air-transport service, the object being passengers, freight or mail.

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## Article 16

### **Implementation and recordkeeping of modifications**

1 Prior to receiving the approval or information in accordance with Article 15(2), the operator or aircraft operator may carry out monitoring and reporting using the modified monitoring plan where they can reasonably assume that the proposed modifications are not significant, or where monitoring in accordance with the original monitoring plan would lead to incomplete emission data.

In case of doubt, the operator or aircraft operator shall carry out all monitoring and reporting, and in the interim documentation, in parallel, using both the modified and the original monitoring plan.

2 Upon the receipt of the approval or information in accordance with Article 15(2), the operator or aircraft operator shall only use the data relating to the modified monitoring plan and carry out all monitoring and reporting using only the modified monitoring plan.

3 The operator or aircraft operator shall keep records of all modifications of the monitoring plan. In each record, the following shall be specified:

- a transparent description of the modification;
- b a justification for the modification;
- c the date of notification of the modification to the competent authority;
- d the date of acknowledgement, by the competent authority, of the receipt of the notification referred to in Article 15(1), where available, and the date of the approval or information referred to in Article 15(2);
- e the starting date of implementation of the modified monitoring plan in accordance with paragraph 2 of this Article.

## 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.

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## 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 CO<sub>2</sub> stemming from biomass and before subtraction of transferred CO<sub>2</sub>. For measuring instruments under national legal metrological control, the uncertainty currently achieved may be 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<sup>(3)</sup>;
- 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) See page 1 of this Official Journal.
- (2) [OJ L 130, 17.5.2011, p. 1.](#)
- (3) [OJ L 122, 16.5.2009, p. 6.](#)

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