

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emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)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

REPORTING REQUIREMENTS

Article 67

Timing and obligations for reporting

1 The operator or aircraft operator shall submit to the competent authority by 31 March of each year an emission report that covers the annual emissions of the reporting period and that is verified in accordance with Regulation (EU) No 600/2012.

However, competent authorities may require operators or aircraft operators to submit the verified annual emission report earlier than by 31 March, but by 28 February at the earliest.

2 Where the aircraft operator chooses to apply for the allocation of emission allowances free of charge pursuant to Article 3e or 3f of Directive 2003/87/EC, the aircraft operator shall submit to the competent authority by 31 March of the year following the monitoring year referred to in Article 3e or 3f of that Directive a tonne-kilometre data report that covers the tonne-kilometre data of the monitoring year and that is verified in accordance with Regulation (EU) No 600/2012.

3 The annual emission reports and tonne-kilometre data reports shall at least contain the information listed in Annex X.

Article 68

Force majeure

1 Where an aircraft operator cannot provide verified tonne-kilometre data to the competent authority by the relevant deadline pursuant to Article 3e(1) of Directive 2003/87/EC because of serious and unforeseeable circumstances outside of its control, that aircraft operator shall submit to the competent authority, for the purposes of that provision, the best tonne-kilometre data that can be made available given the circumstances, including data based, where necessary, on credible estimates.

2 Where the conditions set out in paragraph 1 are met, the Member State shall, for the purposes of the application referred to in Article 3e(1) of Directive 2003/87/EC and in accordance with paragraph 2 of that Article, submit the data received in respect of the aircraft operator concerned, together with an explanation of the circumstances that led to the absence of a report verified in accordance with Regulation (EU) No 600/2012, to the Commission.

The Commission and the Member States shall use those data for the purposes of Article 3e(3) and (4) of Directive 2003/87/EC.

3 Where the Member State submits data received in respect of an aircraft operator to the Commission pursuant to paragraph 2 of this Article, the aircraft operator concerned shall ensure a verification of the submitted tonne-kilometre data in accordance with Regulation (EU) No 600/2012 as soon as possible and, in any case, upon termination of the circumstances referred to in paragraph 1 of this Article.

The aircraft operator shall, without undue delay, submit the verified data to the competent authority.

The competent authority concerned shall reduce and publish the revised allocation of free allowances for the aircraft operator pursuant to Article 3e(4) of Directive 2003/87/EC as appropriate. The relevant allocation shall not be increased. Where applicable, the aircraft operator shall return any excess allowances received pursuant to Article 3e(5) of that Directive.

4 The competent authority shall put into place effective measures to ensure that the aircraft operator concerned complies with its obligations pursuant to paragraph 3.

Article 69

Reporting on improvements to the monitoring methodology

1 Each operator or aircraft operator shall regularly check whether the monitoring methodology applied can be improved.

An operator of an installation shall submit to the competent authority for approval a report containing the information referred to in paragraph 2 or 3, where appropriate, by the following deadlines:

- a for a category A installation, by 30 June every four years;
- b for a category B installation, by 30 June every two years;
- c for a category C installation, by 30 June every year.

However, the competent authority may set an alternative date for submission of the report, but no later date than 30 September of the same year.

2 Where the operator does not apply at least the tiers required pursuant to the first subparagraph of Article 26(1) and to Article 41(1), the operator shall provide a justification as to why it is technically not feasible or would incur unreasonable costs to apply the required tiers.

However, where evidence is found that measures needed for reaching those tiers have become technically feasible and do not any more incur unreasonable costs, the operator shall notify the competent authority of appropriate modifications of the monitoring plan in accordance with Article 15, and submit proposals for implementing the related measures and its timing.

3 Where the operator applies a fall-back monitoring methodology referred to in Article 22, the operator shall provide: a justification as to why it is technically not feasible or would incur unreasonable costs to apply at least tier 1 for one or more major or minor source streams.

However, where evidence is found that measures needed for reaching at least tier 1 for those source streams have become technically feasible and do not any more incur unreasonable costs, the operator shall notify the competent authority of appropriate modifications of the monitoring plan in accordance with Article 15 and submit proposals for implementing the related measures and its timing.

4 Where the verification report established in accordance with Regulation (EU) No 600/2012 states outstanding non-conformities or recommendations for improvements, in accordance with Articles 27, 29 and 30 of that Regulation, the operator or aircraft operator shall submit to the competent authority for approval a report by 30 June of the year in which that verification report is issued by the verifier. That report shall describe how and when the operator or aircraft operator has rectified or plans to rectify the non-conformities identified by the verifier and to implement recommended improvements.

Where applicable, such report may be combined with the report referred to in paragraph 1 of this Article.

Where recommended improvements would not lead to an improvement of the monitoring methodology, the operator or aircraft operator shall provide a justification of why that is the case. Where the recommended improvements would incur unreasonable costs, the operator or aircraft operator shall provide evidence of the unreasonable nature of the costs.

Article 70

Determination of emissions by the competent authority

1 The competent authority shall make a conservative estimate of the emissions of an installation or aircraft operator in any of the following situations:

- a no verified annual emission report has been submitted by the operator or aircraft operator by the deadline required pursuant to Article 67(1);
- b the verified annual emission report referred to in Article 67(1) is not in compliance with this Regulation;
- c the emission report of an operator or aircraft operator has not been verified in accordance with Regulation (EU) No 600/2012.

2 Where a verifier has stated, in the verification report pursuant to Regulation (EU) No 600/2012, the existence of non-material misstatements which have not been corrected by the operator or aircraft operator before issuing the verification statement, the competent authority shall assess those misstatements, and make a conservative estimate of the emissions of the installation or aircraft operator where appropriate. The competent authority shall inform the operator or aircraft operator whether and which corrections are required to the emissions report. The operator or aircraft operator shall make that information available to the verifier.

3 Member States shall establish an efficient exchange of information between competent authorities responsible for approval of monitoring plans and competent authorities responsible for acceptance of annual emission reports.

Article 71

Access to information

Emission reports held by the competent authority shall be made available to the public by that authority subject to national rules adopted pursuant to Directive 2003/4/EC. With regard to the application of the exception, as specified in Article 4(2)(d) of that Directive, operators or aircraft operators may indicate in their report which information they consider commercially sensitive.

Article 72

Rounding of data

- 1 Total annual emissions shall be reported as rounded tonnes of CO₂ or CO_{2(e)}.
Tonne-kilometres shall be reported as rounded values of tonne-kilometres.
- 2 All variables used to calculate the emissions shall be rounded to include all significant digits for the purpose of calculating and reporting emissions.
- 3 All data per flights shall be rounded to include all significant digits for the purpose of calculating the distance and payload pursuant to Article 56 as well as reporting the tonne-kilometre data.

Article 73

Ensuring consistency with other reporting

Each activity listed in Annex I to Directive 2003/87/EC that is carried out by an operator or aircraft operator shall be labelled using the codes, where applicable, from the following reporting schemes:

- (a) the Common Reporting Format for national greenhouse gas inventory systems as approved by the respective bodies of the United Nations Framework Convention on Climate Change;
- (b) the installation's identification number in the European Pollutant Release and Transfer Register in accordance with Regulation (EC) No 166/2006 of the European Parliament and of the Council⁽¹⁾;
- (c) the IPPC activity of Annex I to Regulation (EC) No 166/2006;
- (d) the NACE code in accordance with Regulation (EC) No 1893/2006 of the European Parliament and of the Council⁽²⁾.

Status: This is the original version (as it was originally adopted).

- (1) OJ L 33, 4.2.2006, p. 1.
- (2) OJ L 393, 30.12.2006, p. 1.