Commission Delegated Regulation (EU) 2020/1044 of 8 May 2020 supplementing Regulation (EU) 2018/1999 of the European Parliament and of the Council with regard to values for global warming potentials and the inventory guidelines and with regard to the Union inventory system and repealing Commission Delegated Regulation (EU) No 666/2014 (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/1044

of 8 May 2020

supplementing Regulation (EU) 2018/1999 of the European Parliament and of the Council with regard to values for global warming potentials and the inventory guidelines and with regard to the Union inventory system and repealing Commission Delegated Regulation (EU) No 666/2014

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council[(1)], and in particular Article 26(6)(b) and Article 37(7) thereof,

Whereas:

(1) The mechanism for monitoring and reporting greenhouse gas emissions as laid down in Regulation (EU) No 525/2013 of the European Parliament and of the Council[(2)] sets out the rules for monitoring and reporting of greenhouse gas emissions under the climate policy. The provisions of that mechanism are fully integrated in Regulation (EU) 2018/1999, which repeals Regulation (EU) No 525/2013 from 1 January 2021. Within that mechanism, it is necessary to adopt values for global warming potentials and specify the inventory guidelines.

(2) Concerning the global warming potentials, the 1st meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) serving as the meeting of the Parties to the 2015 Paris Agreement on climate change following the 21st Conference of the Parties to the UNFCCC (the 'Paris Agreement') established a common metric for translating greenhouse gases to CO_2 equivalents for the purposes of reporting of greenhouse gas inventories. That common metric is based on global warming potential values set out in the Intergovernmental Panel for Climate Change (IPCC) Fifth Assessment Report[(3)]. The values for global warming potentials should take account of that common metric.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/1044. (See end of Document for details)*

(3) The greenhouse gas inventory guidelines should be specified in accordance with international developments. In addition to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories, the Member States and the Commission should take into account the modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement set out in the Annex to Decision 18/CMA.1 of the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Paris Agreement ('Decision 18/CMA.1'). Moreover, Member States are encouraged to use the 2013 Supplement to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories: Wetlands.

(4) To ensure the quality of the Union inventory, further objectives of the Union quality assurance and quality control programme should be set out.

(5) In order to ensure the completeness of the Union inventory within the meaning of Decision 18/CMA.1, it is necessary to set out the methodologies and the data to be used by the Commission when preparing estimates for data missing from a Member State inventory pursuant to Article 37(5) of Regulation (EU) 2018/1999.

(6) In order to ensure the timeliness, transparency, accuracy, consistency, comparability and completeness, of the Union inventory, it is necessary to specify the content of the initial checks carried out on the greenhouse gas inventory data submitted by the Member States. The assessment of accuracy as part of the initial checks should ensure that the Member States do not systematically over- or underestimate the actual emissions and removals in relation to Union key categories. Moreover, as the reporting of greenhouse gas emissions by sources and removals by sinks from the land use, land use change and forestry (LULUCF) sector is an integral part of the greenhouse gas inventory reporting and due to the inclusion of the LULUCF sector in the 2030 climate target, the initial checks in the LULUCF sector should be aligned with those carried out in the other sectors. In the LULUCF sector, the reported land use and land use change activity data may be compared with information derived from the Union and Member State programmes and surveys, such as Copernicus and LUCAS.

(7) The estimates to complete the missing national inventory data to compile the Union inventory are prepared in accordance with the greenhouse gas inventory guidelines. Those estimates cannot be determined without applying values for global warming potential of greenhouse gases. As the rules on global warming potentials, inventory guidelines and the Union inventory system are substantively linked, it is appropriate to include them in one Delegated Regulation.

(8) In order to ensure consistency with the date of application of the relevant provisions of Regulation (EU) 2018/1999, this Regulation should apply from 1 January 2021.

(9) In accordance with Articles 57 and 58 of Regulation (EU) 2018/1999, Regulation (EU) No 525/2013 is repealed with the effect from 1 January 2021, with the exception of Article 7 of that Regulation, which is to apply to the reports containing data from the years 2018, 2019 and 2020. Commission Delegated Regulation (EU) No 666/2014[(4)] should therefore be repealed from 1 January 2021, however, its Articles 6 and 7 should

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continue to have effect for the reports containing data required for the years 2019 and 2020,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to the reports submitted by the Member States containing data required for the year 2021 onwards.

Article 2

Global warming potentials

The Member States and the Commission shall use the global warming potentials listed in Annex I to this Regulation for the purpose of determining and reporting greenhouse gas inventories data pursuant to paragraphs 3, 4 and 5 of Article 26 of Regulation (EU) 2018/1999.

Article 3

Greenhouse gas inventory guidelines

The Member States and the Commission shall determine greenhouse gas inventories referred to in paragraphs 3, 4 and 5 of Article 26 of Regulation (EU) 2018/1999 in accordance with:

(a) the 2006 Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse Gas Inventories;

(b) the modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement set out in the Annex to Decision 18/CMA.1 of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (‘Decision 18/CMA.1’).

Article 4

Quality assurance and quality control programme objectives

1 The Commission shall manage, maintain and seek to continuously improve the Union greenhouse gas inventory system based on the following quality assurance and quality control programme objectives:

a that the Union greenhouse gas inventory is complete by, where relevant, applying the procedure set out in Article 37(5) of Regulation (EU) 2018/1999, in consultation with the Member State concerned;

b that the Union greenhouse gas inventory system provides a transparent aggregation of Member States’ greenhouse gas emissions by sources and removals by sinks as well as overviews of methodological descriptions for Union key categories, and reflects in

a transparent manner the contribution of Member States' emissions by sources and removals by sinks to the Union greenhouse gas inventory;

c that the total of the Union's greenhouse gas emissions by sources and removals by sinks for a reporting year is equal to the sum of Member States' greenhouse gas emissions by sources and removals by sinks reported pursuant to paragraphs 3, 4 and 5 of Article 26 of Regulation (EU) 2018/1999 for that same year;

d that the Union greenhouse gas inventory includes a consistent time series of emissions by sources and removals by sinks for all reported years.

2 The Commission and the Member States shall increase, where possible, the comparability of national greenhouse gas inventories by seeking synergy of methods, activity data, notation keys and the allocation of emissions by sources and removals by sinks by Member States, where appropriate.

3 The quality assurance and quality control programme objectives of the Union inventory shall complement the quality assurance and quality control programmes objectives implemented by the Member States.

4 Member States shall ensure the quality of activity data, emission factors and other parameters used for their national greenhouse gas inventory.

Article 5

Gap filling

1 The Commission estimates for completing the inventory data submitted by a Member State as referred to in Article 37(5) of Regulation (EU) 2018/1999 shall be based on the following methodologies and data:

a where a Member State has submitted in the previous reporting year a consistent time series of estimates for the relevant source category and:

(i) that Member State has submitted an approximated greenhouse gas inventory for the year X – 1 pursuant to Article 26(2) of Regulation (EU) 2018/1999 that includes the missing estimate, on the data from that approximated greenhouse gas inventory;

(ii) that Member State has not submitted an approximated greenhouse gas inventory for the year X – 1 under Article 26(2) of Regulation (EU) 2018/1999, but the Union has estimated approximated greenhouse gas emissions for the year X – 1 for that Member State in accordance with Article 26(2) of Regulation (EU) 2018/1999, on the data from that Union approximated greenhouse gas inventory;

(iii) the use of the data from the approximated greenhouse gas inventory of the Member State is not possible or may lead to a highly inaccurate estimation, for missing estimates in the energy sector, on the energy statistics data obtained in accordance with Regulation (EC) No 1099/2008 of the European Parliament and of the Council[(5)];

(iv) the use of the data from the approximated greenhouse gas inventory is not possible or may lead to a highly inaccurate estimation, for missing estimates in non-energy sectors, on estimation methodologies consistent with the technical advice on gap filling in Section 2.2.3 of the 2006 IPCC Guidelines for National

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Greenhouse Gas Inventories (Vol. 1) using, where appropriate, European statistics;

b where an estimate of an emission by source or removal by sink for the relevant category was subject to technical corrections in accordance with Article 38(2)(d) of Regulation (EU) 2018/1999 in the latest review prior to the submission and the Member State concerned has not submitted a revised estimate, on the method used by the technical expert review team to calculate the technical correction;

c where a consistent time series of reported estimates for the relevant source category is not available, on estimation methodologies consistent with the technical advice on gap filling in Section 2.2.3 of the 2006 IPCC Guidelines for National Greenhouse Gas Inventories (Vol. 1).

2 The Commission shall prepare the estimates referred to in paragraph 1 by 31 March of the reporting year in consultation and close cooperation with the Member State concerned.

3 The Member State concerned shall use the estimates referred to in paragraph 1 for its submission of national inventories to the UNFCCC Secretariat pursuant to Article 26(4) of Regulation (EU) 2018/1999.

Article 6

Initial checks

The initial checks performed by the Commission pursuant to Article 37(4) of Regulation (EU) 2018/1999 may include:

(a) an assessment whether all categories required under the modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement set out in the Annex to Decision 18/CMA.1 and all greenhouse gases referred to in Annex V of Regulation (EU) 2018/1999 are reported by the Member State;

(b) an assessment whether emissions by sources and removals by sinks data time series are consistent;

(c) an assessment whether implied emission factors across Member States are comparable taking into account the IPCC default emission factors for different national circumstances;

(d) an assessment of the use of 'Not Estimated' notation keys where IPCC Tier 1 methodologies exist and where the use of the notation key is not justified in accordance with point 32 of the Annex to Decision 18/CMA.1;

(e) an analysis of recalculations performed for the greenhouse gas inventory submission, including whether the recalculations are based on methodological changes;

(f) a comparison of the verified greenhouse gas emissions reported under the European Union's emission trading system with the greenhouse gas emissions reported pursuant to Article 26(3) of Regulation (EU) 2018/1999;

(g) a comparison of the results of Eurostat's reference approach with the Member States' reference approach;

(h) a comparison of the results of Eurostat's sectoral approach with the Member States' sectoral approach;