Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) No 749/2014

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on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC[(1)], and in particular Articles 7(7), 7(8), 8(2), 12(3), 17(4) and 19(5) thereof,

Whereas:

(1) The information reported to the Commission pursuant to Regulation (EU) No 525/2013 is necessary to enable the assessment of the actual progress towards meeting the Union's and the Member States' commitments relating to the limitation or reduction of all greenhouse gas emissions under the United Nations Framework Convention on Climate Change (UNFCCC) approved by Council Decision 94/69/EC[(2)], its Kyoto Protocol approved by Council Decision 2002/358/EC[(3)] and the set of Union legal acts, adopted in 2009, collectively referred to as the 'Climate and Energy Package'. It also enables the preparation of annual reports by the Union in accordance with the obligations under the UNFCCC and the Kyoto Protocol.

(2) Decision 19/CMP.1 of the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol lays down the guidelines for national greenhouse gas inventory systems the Parties to the Convention should apply. In Decision 24/CP.19 of the Conference of the Parties to the UNFCCC on the revision of the UNFCCC reporting guidelines on annual inventories for Parties included in Annex I to the UNFCCC, the Conference of the Parties to the UNFCCC agreed on the use by the Parties to the UNFCCC of the 2006 Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse gas inventories, the use of new IPCC global warming potential values and revised common reporting format tables as included in an Annex to that Decision.

(3) Following the replacement of Decision No 280/2004/EC[(4)] by Regulation (EU) No 525/2013, Commission Decision No 2005/166/EC[(5)] laying down rules implementing Decision 280/2004/EC needs to be updated in order to take into account the changes

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in the internationally agreed guidelines and to ensure uniform conditions for the implementation of those provisions that are new in the Regulation (EU) No 525/2013 as compared to Decision 280/2004/EC. Such uniform implementing provisions should cover the reporting of greenhouse gas inventories, approximated greenhouse gas inventories, information on systems for policies and measures and projections, the use of auctioning revenue and project credits and for the purposes of Decision No 529/2013/EU of the European Parliament and of the Council[(6)]. Given the number of changes that are necessary to Decision No 2005/166/EC it is appropriate to repeal and replace it.

(4) To ensure that compliance with Decision No 406/2009/EC of the European Parliament and of the Council[(7)] is assessed in a credible, consistent, transparent and timely manner, Regulation (EU) No 525/2013 sets up at Union level a review process of the greenhouse gas inventories submitted by the Member States. It is necessary to determine the timing and steps for the conduct of the comprehensive and annual reviews of Member States' greenhouse gas inventories to ensure the timely and effective implementation of the review process.

(5) Commission Delegated Regulation (EU) No C(2014) 1539[(8)] establishes substantive requirements for the Union inventory system to fulfil the obligations set out in Decision 19/CMP.1 of the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol. To ensure the timely and effective implementation of the obligations, it is necessary to lay down timescales for cooperation and coordination between the Commission and the Member States in preparing the Union greenhouse gas inventory report.

(6) To ensure legal certainty concerning the reporting obligations of the Union and of the Member States upon expiration of the additional period for fulfilling commitments of the Kyoto Protocol, the effects of Articles 18, 19 and 24 of Decision No 2005/166/EC should be maintained.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation establishes rules implementing Regulation (EU) No 525/2013 as regards the following:

(a) Member States' reporting of greenhouse gas inventories, approximated greenhouse gas inventories and of information on policies and measures and projections, on the

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use of auctioning revenue and of project credits pursuant to Articles 7, 8, 12, 13, 14, and 17 of Regulation (EU) No 525/2013;

(b) Member States' reporting for the purposes of Decision No 529/2013/EU;

(c) the timing and steps for the conduct of the comprehensive and annual reviews of Member States' greenhouse gas inventories pursuant to Article 19 of Regulation (EU) No 525/2013;

(d) timescales for the cooperation and coordination between the Commission and the Member States in preparing the Union greenhouse gas inventory report.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) ‘common reporting format table’ means a table for information on anthropogenic greenhouse gas emissions by sources and removals by sinks included in Annex II to Decision 24/CP.19 of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) (Decision 24/CP.19) and in the Annex to Decision 6/CMP.9 of the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol;

(2) ‘reference approach’ means the reference approach by the Intergovernmental Panel on Climate Change (IPCC), as contained in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories as applicable pursuant to Article 6 of Delegated Regulation (EU) No C(2014) 1539.

(3) ‘approach 1’ means the basic method included in the 2006 IPCC Guidelines or the 2003 IPCC Good Practice Guidelines;

(4) ‘key category’ means a category which has a significant influence on a Member State's or the Union's total inventory of greenhouse gases in terms of the absolute level of emissions and removals, the trend in emissions and removals, or uncertainty in emissions and removals;

(5) ‘sectoral approach’ means the IPCC sectoral approach, as contained in the 2006 IPCC Guidelines.

CHAPTER II

REPORTING BY MEMBER STATES

Article 3

General rules for reporting greenhouse gas inventories

1 Member States shall report the information referred to in Article 7(1) to (5) of Regulation (EU) No 525/2013 to the Commission with a copy to the European Environment Agency by completing, in accordance with Article 6 of Delegated Regulation (EU) No C(2014) 1539 and with the rules provided for in this Regulation:

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a the common reporting format tables by providing a complete set of spread sheets or Extensible Markup Language (XML) files, depending on the availability of the appropriate software, and covering that Member State's geographical scope under Regulation (EU) No 525/2013;

b the standard electronic format for reporting Kyoto Protocol units and the related reporting instructions as adopted by the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol;

c the Annexes I to VIII and X to XV to this Regulation.

2 The complete national inventory report referred to in Article 7(3) of Regulation (EU) No 525/2013 shall be drafted based on the structure set out in the Appendix to the UNFCCC reporting guidelines on annual greenhouse gas inventories as included in Annex I to Decision 24/CP.19 and following the rules provided for in this Regulation.

Article 4

Reporting in the National Inventory Report or in an annex to the National Inventory Report

1 Member States shall include the information and the tabular formats required by Articles 6, 7, 9 to 16 in the National Inventory Report or in a separate annex to the National Inventory Report, as specified in Annex I.

2 Where Member States may choose whether the information and the tabular formats to be reported are included in the National Inventory Report or in a separate annex to the National Inventory Report, Member States shall clearly indicate where the information is provided by completing Annex I.

Article 5

Processes for reporting

Member States shall use the ReportNet tools of the European Environment Agency, provided pursuant to Regulation (EC) No 401/2009 of the European Parliament and of the Council[9], for the submission of the information under Articles 4, 5, 7, 8, 12 to 17 of Regulation (EU) No 525/2013.

Article 6

Reporting on national inventory systems

1 Member States shall report the information on their national inventory systems referred to in Article 5(1) of Regulation (EU) No 525/2013 in textual format, specifying:

a the name and contact information for the national entity with overall responsibility for the national inventory of the Member State;

b the roles and responsibilities of various agencies and entities in relation to the inventory planning, preparation and management process, as well as the institutional, legal and procedural arrangements made to prepare the inventory;

c a description of the process for collecting activity data, for selecting emission factors and methods, and for developing emission estimates;

d a description of the approaches used and the results of key category identification;

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e a description of the processes which determine when recalculations of previously submitted inventory data are performed;

f a description of the quality assurance and quality control plan, its implementation and the quality objectives established, and information on internal and external evaluation and review processes and their results in accordance with the guidelines for national systems set out in the Annex to Decision 19/CMP.1 of the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol;

g a description of the procedures for the official consideration and approval of the inventory.

2 Member States shall report a description of the arrangements made to ensure access of the competent inventory authorities to the information referred to in Article 5(2) of Regulation (EU) No 525/2013 including information on the organizations providing the information, the regular scheduling of the access to information, the level of disaggregation and completeness to which access is provided.

Article 7

Reporting on consistency of the reported data on air pollutants

1 Member States shall report textual information on the results of the checks referred to in Article 7(1)(m)(i) of Regulation (EU) No 525/2013 and on the consistency of the data pursuant to Article 7(1)(b) of Regulation (EU) No 525/2013 including:

a a brief assessment whether the emissions estimates of carbon monoxide (CO), sulphur dioxide (SO_2), nitrogen oxides (NOx) and volatile organic compounds, in inventories submitted by the Member State under Directive 2001/81/EC of the European Parliament and of the Council[10] and under the UNECE Convention on Long-range Transboundary Air Pollution are consistent with the corresponding emission estimates in greenhouse gas inventories under Regulation (EU) No 525/2013.

b the submission dates of the reports under Directive 2001/81/EC and under the UNECE Convention on Long-range Transboundary Air Pollution that were compared with the inventory submission under Regulation (EU) No 525/2013.

2 Where the checks referred to in paragraph 1 of this Article result in differences of more than +/–5 % between the total emissions excluding Land Use, Land-Use Change and Forestry (LULUCF) for a particular air pollutant reported under Regulation (EU) No 525/2013 and respectively under Directive 2001/81/EC or the UNECE Convention on Long-range Transboundary Air Pollution for the year X-2, the Member State concerned shall report in accordance with the tabular format set out in Annex II to this Regulation in addition to the textual information pursuant to paragraph 1 of this Article for that air pollutant.

3 Member States may report only textual information if the difference of more than +/–5 % referred to in paragraph 2 derives from correction of data errors, differences in geographical coverage or in scope of application in between the respective legal instruments.

Article 8

Reporting on recalculations

Member States shall report the reason for recalculations of the base year or period and of year X-3 referred to in Article 7(1)(e) of Regulation (EU) No 525/2013 in the tabular format set out in Annex III to this Regulation.