Commission Regulation (EU) No 147/2013 of 13 February 2013 amending Regulation (EC) No 1099/2008 of the European Parliament and of the Council on energy statistics, as regards the implementation of updates for the monthly and annual energy statistics

COMMISSION REGULATION (EU) No 147/2013

of 13 February 2013

amending Regulation (EC) No 1099/2008 of the European Parliament and of the Council on energy statistics, as regards the implementation of updates for the monthly and annual energy statistics

THE EUROPEAN COMMISSION,

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

Having regard to the Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics[(1)], and in particular Article 4(3) and Article 8 thereof,

Whereas:

(1) Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market[(2)] and Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services[(3)] require Member States to report quantitative energy data. In order to monitor progress towards the achievement of the objectives set in these Directives, detailed, up-to-date energy data are required, which are to be collected in a harmonised high quality manner. Such reporting obligations are essential for, inter alia, pursuing the aims of energy efficiency and should thus remain a steady element of the EU legal framework development in this area; parts of these data are already communicated to and established as annual energy statistics by the Commission (Eurostat).

(2) Regulation (EC) No 1099/2008 establishes a common framework for the production, transmission, evaluation and dissemination of comparable energy statistics in the Union.

(3) Energy statistics comprise a very dynamic statistical domain because of the intensive development of Union policies, technological progress and the importance of basing Union targets on energy data. Accordingly, regular updates are required in order to align its statistical scope with growing or changing needs.

(4) Regulation (EC) No 1099/2008 has conferred on the Commission implementing powers for the adjustments of the statistical annexes. The first such adjustment took place in 2010; since then, new improvements and adjustments to both the monthly and annual statistics took place and they therefore need to be addressed.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 147/2013. 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) View outstanding changes*

(5) The Commission has developed the required updates and discussed feasibility, production costs, confidentiality and reporting burden with the Member States.

(6) Regulation (EC) No 1099/2008 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EC) No 1099/2008 are replaced by the Annex to this Regulation.

Article 2

Commission Regulation (EU) No 844/2010[(4)] is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 February 2013.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 147/2013. 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) View outstanding changes*

ANNEX

ANNEX A

CLARIFICATIONS OF TERMINOLOGY

This Annex supplies explanations or definitions of terms that are used in the other Annexes.

1. GEOGRAPHICAL NOTES

For statistical reporting purposes only, the following geographical definitions apply:

— Australia excludes the overseas territories,

— Denmark excludes the Faeroe Islands and Greenland,

— France includes Monaco and excludes the French overseas territories Guadeloupe, Martinique, French Guiana, Réunion, Saint Pierre and Miquelon, New Caledonia, French Polynesia, Wallis and Futuna, Mayotte,

— Italy includes San Marino and the Vatican,

— Japan includes Okinawa,

— The Netherlands excludes Suriname and the Netherlands Antilles,

— Portugal includes the Azores and Madeira,

— Spain includes the Canary Islands, the Balearic Islands, and Ceuta and Melilla,

— Switzerland does not include Liechtenstein,

— United States includes the 50 States, the District of Columbia, the US Virgin Islands, Puerto Rico and Guam.

2. AGGREGATES

Producers are classified according to the purpose of production:

— Main activity producer: enterprises, both privately or publicly owned, which generate electricity and/or heat for sale to third parties, as their principal activity,

— Autoproducers: enterprises, both privately or publicly owned, which generate electricity and/or heat wholly or partly for their own use as an activity which supports their primary activity.

Note: the Commission may further clarify terminology by adding relevant NACE references in accordance with the regulatory procedure with scrutiny referred to in Article 11(2) after a revision of the NACE classification has entered into force.

2.1. **Supply and Transformation Sectors**
Production/Indigenous Production

Quantities of fuels extracted or produced, calculated after any operation for removal of inert matter. Production includes the quantities consumed by the producer in the production process (e.g. for heating or operation of equipment and auxiliaries) as well as supplies to other producers of energy for transformation or other uses.

Indigenous means: production from resources within the concerned state.
Imports/Exports

For geographical definitions see “Geographical Notes” section.

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Unless specified differently, "imports" refer to ultimate origin (the country in which the energy product was produced) for use in the country and "exports" to the ultimate country of consumption of the produced energy product.

Amounts are considered as imported or exported when they have crossed the political boundaries of the country, whether customs clearance has taken place or not.

Where no origin or destination can be reported "Other" may be used.

Statistical differences may arise if only total import and export are available on the above basis, while the geographical breakdown is based on a different survey, source or concept. In this case, differences shall be included under "Other".

International Marine Bunkers

Quantities of fuels delivered to ships of all flags that are engaged in international navigation. The international navigation may take place at sea, on inland lakes and waterways, and in coastal waters. Excluded is:

— consumption by ships engaged in domestic navigation. The domestic/international split should be determined on the basis of port of departure and port of arrival, and not by the flag or nationality of the ship
— consumption by fishing vessels
— consumption by military forces.

Stock Changes

The difference between the opening stock level and closing stock level for stocks held on national territory.

Gross Consumption (calculated)

Calculated value, defined as:

Indigenous production + From other sources + Imports – Exports – International marine bunkers + Stock changes

Gross Consumption (observed)

The quantity actually recorded in surveys of end-use sectors.

Statistical Differences

Calculated value, defined as:

Calculated gross consumption – observed gross consumption.

Includes changes in stocks at final consumers when this cannot be specified as part of the "Stock changes".

Reasons for any major differences should be stated.

Main Activity Producer Electricity Plants

Fuel quantities used to produce electricity.

Fuels used by plants containing at least one CHP unit are to be reported under Main Activity Producer CHP Plants.

Main Activity Producer Combined Heat and Power (CHP) Plants

Quantities of fuels used to produce electricity and heat.

Main Activity Producer Heat Plants

Quantities of fuels used to produce heat.

Autoproducer Electricity Plants

Quantities of fuels used to produce electricity.

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Fuels used by plants containing at least one CHP unit are to be reported under Autoproducer CHP Plants.
Autoproducer Combined Heat and Power (CHP) Plants

Quantities of fuels that correspond to the quantity of electricity produced and heat sold.
Autoproducer Heat Plants

Quantities of fuels that correspond to the quantity of heat sold.
Patent Fuel Plants

Quantities used to produce fuels.

Quantities used for heating and operation of equipment should not be declared here, but declared as consumption in the Energy sector.
Coke Ovens

Quantities used in coke ovens.

Quantities used for heating and operation of equipment should not be declared here, but declared as consumption in the Energy sector.
BKB/PB plants

Quantities of lignite used to produce brown coal briquettes (BKB) or of peat to produce peat briquettes (PB).

Quantities used for heating and operation of equipment should not be declared here, but declared as consumption in the Energy sector.
Gas Works

Quantities used to produce gas in gas works and coal gasification plants.

Quantities used as a fuel for heating and operation of equipment should not be included here, but declared as consumption in the Energy sector.
Blast furnace

Quantities of coking coal and/or bituminous coal (generally referred to as PCI) and coke oven coke transformed in blast furnaces.

Quantities used as a fuel for heating and operation of blast furnaces (e.g.: blast furnaces gas) should not be included here, but declared as consumption in the Energy sector.
Coal Liquefaction

Quantities of fuel used to produce synthetic oil.
Petroleum refineries

Quantities used to produce petroleum products.

Quantities used as a fuel for heating and operation of equipment should not be declared here, but declared as consumption in the Energy sector.
Not Elsewhere Specified – Transformation

Quantities used for transformation activities not included elsewhere. If used, what is included under this heading should be explained in the report.

2.2. **Energy sector and final consumption**
Total Energy Sector