

Presidency compromise text for *Methane Regulation* (ST 11246/22)Deadline: **5 September 2022**

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Presidency compromise text	Drafting Suggestions	Comments
2022/0423 (COD) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on methane emissions reduction in the energy sector and amending Regulation (EU) 2019/942	REGULATION DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	We propose to change the type of proposal to a Directive in order to create a framework type legislation and enable national level implementation to the extent necessary and justified. In our view the difference in Member States with regard to methane emission sources is so diverse, that general application of uniform rules will not serve the right purpose.
(Text with EEA relevance)		
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) 191 thereof	In our view the legal bases is not proper. We propose a different reference.
Having regard to the proposal from the		

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European Commission,		
After transmission of the draft legislative act to the national parliaments,		
Having regard to the opinion of the European Economic and Social Committee ¹ ,		
Having regard to the opinion of the Committee of the Regions ² ,		
Acting in accordance with the ordinary legislative procedure,		
Whereas:		
(1) Methane, the main component of		

1 OJ C , , p. .

2 OJ C , , p. .

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natural gas, is second only to carbon dioxide in its overall contribution to climate change and is responsible for approximately a third of current warming.		
(2) On a molecular level, Although methane remains in the atmosphere for a shorter period has a shorter average atmospheric residence time (10 to 12 years) than carbon dioxide (hundreds of years), its greenhouse effect on the climate is more significant and it contributes to ozone formation which is a potent air pollutant that causes serious health problems. The amount of methane in the atmosphere globally has risen sharply over the last decade.		
(3) According to recent estimates by the United Nations Environment Programme and the Climate and Clean Air Coalition, methane emission reductions of 45% by 2030, based on		

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available targeted measures and additional measures in line with the United Nations ('UN') priority development goals, could avoid 0.3°C of global warming by 2045.		
(4) According to the Union's greenhouse gas ('GHG') inventories data, the energy sector is estimated to be responsible for 19% of methane emissions within the Union. This does not include methane emissions linked to the Union's fossil energy consumption which are occurring outside the Union.		
(5) The European Green Deal combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050. The European Green Deal Communication ³ indicates	To achieve that level of GHG emission reductions, methane emissions from the energy sector should decrease by around 58% by 2030 compared to 2020.	HU supports NL reasoning. No justification is given for this figure, nor do we know what it is based on. A 58% reduction would mean that the EU energy sector would have to reduce much more than other sectors to

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<p>that the decarbonisation of the gas sector will be facilitated, including by addressing the issue of energy-related methane emissions. The Commission adopted an EU strategy to reduce methane emissions ('the Methane Strategy') in October 2020 setting out measures to cut methane emissions in the EU, including in the energy sector, and internationally. In Regulation (EU) 2021/1119⁴ ('European Climate Law'), the Union has enshrined into legislation the target of economy-wide climate neutrality by 2050 and also established a binding Union domestic reduction commitment of net greenhouse gas emissions (emissions after deduction of removals) of at least 55% below 1990 levels by 2030. To achieve that level of GHG emission reductions, methane emissions from the energy</p>		<p>contribute to, for example, the Global Methane Pledge of 30% methane emissions reduction by 2030 compared to 2020.</p>

4 Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021).

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sector should decrease by around 58% by 2030 compared to 2020.		
(6) Methane emissions are included in the scope of the Union greenhouse gas reduction targets for 2030 set out in the European Climate Law and the binding national emission reduction targets under Regulation (EU) 2018/842 ⁵ . However, there is currently no Union level legal framework setting out specific measures for the reduction of anthropogenic methane emissions in the energy sector. In addition, whilst Directive 2010/75 ⁶ on industrial emissions covers methane emissions from the refining of mineral oil and gas, it does not cover		

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- 5 Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018).
- 6 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010).

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other activities in the energy sector.		
(7) In this context, this Regulation should apply to the reduction of methane emissions in oil and fossil gas upstream exploration and production, fossil gas gathering and processing, gas transmission, distribution, underground storage and liquefied natural liquid fossil -gas (LNG) terminals, as well as to operating underground and surface coalmines, closed and abandoned underground coal mines.		
(8) Rules for accurate measurement, reporting and verification of methane emissions in the oil, gas and coal sectors, as well as for the abatement of those emissions, including through leak detection and repair surveys and restrictions on venting and flaring, should be addressed by an appropriate Union legal framework. Such a framework should contain		

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rules to enhance transparency with regard to fossil energy imports into the Union, thus improving the incentives for a wider uptake of methane mitigation solutions across the globe.		
(9) Compliance with the obligations under this Regulation is likely to require investments by regulated operators and the costs associated with such investments should be taken into account in tariff setting, subject to efficiency principles.		
(10) Each Member State should appoint at least one competent authority to oversee that operators effectively comply with the obligations laid down in this Regulation and should notify the Commission about such appointment and any changes thereof. The competent authorities appointed should take all the necessary measures to ensure compliance		

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with the requirements set out in this Regulation. Taking into account the cross-border character of energy sector operations and methane emissions, competent authorities should cooperate with each other and the Commission. In this context, the Commission and the competent authorities of the Member States should form together a network of public authorities applying this Regulation to foster close cooperation, with the necessary arrangements for exchanging information and best practices and allow for consultations.		
(11) In order to ensure a smooth and effective implementation of the obligations laid down in this Regulation, the Commission supports		

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<p>Member States through the Technical Support Instrument⁷ providing tailor-made technical expertise to design and implement reforms, including those promoting the reduction of methane emissions in the energy sector. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks and sharing of relevant best practices.</p>		
<p>(12) In order to ensure the performance of their tasks, operators should provide the competent authorities with all assistance necessary. In addition, operators should take all the necessary actions identified by the competent authorities within the period determined by the competent authorities or any</p>		

⁷ Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021).

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other period agreed with the competent authorities.		
(13) The main mechanism available to the competent authorities should be inspections, including examination of documentation and records, emissions measurements and site checks. Inspections should take place regularly, on the basis of an appraisal of the environmental risk conducted by the competent authorities. In addition, inspections should be carried out to investigate substantiated complaints and occurrences of non-compliance and to ensure that repairs or replacements of components are carried out in accordance with this Regulation. Where they identify a serious breach of the requirements of this Regulation, competent authorities should issue a notice of remedial actions to be taken by the operator. Competent authorities should keep records of the		

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inspections and the relevant information should be made available in accordance with Directive 2003/4/EC of the European Parliament and of the Council ⁸ .		
(14) In light of the proximity of some methane emission sources to urban or residential areas, natural or legal persons harmed by breaches of this Regulation should be able to lodge duly substantiated complaints with the competent authorities. Complainants should be kept informed of the procedure and decisions taken and should receive a final decision within a reasonable time of lodging the complaint.	(14) In light of the proximity of some methane emission sources to urban or residential areas, natural or legal persons harmed by breaches of this Regulation should be able to lodge duly substantiated complaints with the competent authorities. Complainants should be kept informed of the procedure and decisions taken and should receive a final decision within a reasonable time of lodging the complaint.	HU supports NL proposal. It is unclear on what basis such persons could be harmed by methane emissions.
(15) A robust verification framework can improve the credibility of reported data. In	(15) A robust verification framework can improve the credibility of reported data. In	HU supports NL reasoning. Under this Regulation, verifiers are designated

⁸ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003).

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addition, the level of detail and technical complexity of methane emissions measurements requires proper verification of methane emissions data reported by operators and mine operators. While self-verification is possible, third party verification ensures greater independence and transparency. In addition, it allows for a harmonized set of competences and level of expertise that may not be available to all public entities. Verifiers should be accredited by accreditation bodies in accordance with Regulation (EC) 765/2008 of the European Parliament and of the Council ⁹ . Independent accredited verifiers should thus ensure that emissions reports prepared by operators and	addition, the level of detail and technical complexity of methane emissions measurements requires proper verification of methane emissions data reported by operators and mine operators. National competent authorities should check the data delivered by operators and mine operators, and can do this while using a risk-based approach and random checks. While self-verification is possible, third party verification ensures greater independence and transparency. In addition, it allows for a harmonized set of competences and level of expertise that may not be available to all public entities. Verifiers should be accredited by accreditation bodies in accordance with	to be responsible for reviewing emission reports, including the data sources and methodologies used. Under other EU emissions legislation, such as the e-PRTR and the IED, there is no verifier and this task falls to the national regulator. It is unclear why a verifier is considered necessary under this regulation. In NL inspections are undertaken by the CA on a risk based approach in order to check whether the reported data are correct. The regulation is based on OGMP 2.0, where no verifier is used either.

⁹ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008).

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<p>mine operators are correct and in compliance with the requirements set out in this Regulation. They should review the data in the emissions reports to assess their reliability, credibility and accuracy against free and publicly available European or international standards developed by independent bodies and made applicable by the Commission. The Commission should thus be empowered to adopt delegated acts for the purpose of incorporating and setting out the applicability of such European or international standards. Verifiers are separate from competent authorities and should be independent from the operators and mine operators, who should provide them with all assistance necessary to enable or facilitate the performance of the verification activities, notably as regards access</p>	<p>Regulation (EC) 765/2008 of the European Parliament and of the Council¹⁰. Independent accredited verifiers should thus ensure that emissions reports prepared by operators and mine operators are correct and in compliance with the requirements set out in this Regulation. They should review the data in the emissions reports to assess their reliability, credibility and accuracy against free and publicly available European or international standards developed by independent bodies and made applicable by the Commission. The Commission should thus be empowered to adopt delegated acts for the purpose of incorporating and setting out the applicability of such European or international standards. Verifiers are separate from competent authorities and should be independent from the</p>	

¹⁰ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008).

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to the premises and the presentation of documentation or records.	operators and mine operators, who should provide them with all assistance necessary to enable or facilitate the performance of the verification activities, notably as regards access to the premises and the presentation of documentation or records.	
(16) The information in the emission reports submitted to the competent authorities should be provided to the Commission in view of a verification role to be attributed to the International Methane Emissions Observatory (IMEO), in particular with regards to methodologies for data aggregation and analysis and verification of methodologies and statistical processes employed by companies to quantify their emissions reported data. The reference criteria in that respect may include the OGMP standards and guidance documents. The information produced by the IMEO should be		

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made available to the public and the Commission should use such information to address any identified shortcomings with regards to the measurement, reporting and verification of methane emissions data.		
(17) The IMEO was set up in October 2020 by the Union in partnership with the United Nations Environmental Programme, the Climate and Clean Air Coalition and the International Energy Agency, and launched at the G20 Summit in October 2021. The IMEO has been tasked with collecting, reconciling, verifying and publishing anthropogenic methane emissions data at a global level. The IMEO is part of the United Nations Environment Programme, which concluded a Memorandum of Understanding with the European Union. Its role is crucial for verification of methane emissions data in the energy sector and		

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appropriate relations should be established in order to put into effect the entrustment of verification tasks. As the IMEO is not a Union body and is not subject to Union law, it is essential to provide that IMEO takes appropriate measures to ensure the protection of the interests of the Union and its Member States.		
(18) As party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, the Union is required to provide annually an inventory report of anthropogenic greenhouse gas emissions constituting an aggregate of the member States national greenhouse gas inventories, prepared using good practice methodologies accepted by the Intergovernmental Panel on Climate Change (IPCC).		

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(19) Regulation (EU) 2018/1999 of the European Parliament and of the Council ¹¹ requires Member States to report greenhouse gas inventory data to the Commission and to report their national projections. Pursuant to Article 17(2) of Regulation (EU) 2018/1999 reporting is to be undertaken using UNFCCC reporting guidelines, and is often based on default emission factors rather than direct source-level measurements, implying uncertainties on the origin, frequency and magnitude of emissions.		
(20) Country data reported pursuant to UNFCCC reporting provisions is submitted to		

11 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 (OJ L 328, 21.12.2018, p. 1).

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the UNFCCC secretariat according to different tiers of reporting in line with the IPCC guidelines. In this context, the IPCC generally suggests using higher tier methods for those emission sources which have a significant influence on a country's total inventory of greenhouse gases in terms of absolute level, trend or uncertainty.		
(21) A tier represents a level of methodological complexity. Three tiers are available. Tier 1 methods typically use IPCC default emission factors and require the most basic, and least disaggregated, activity data. Higher tiers usually utilise more elaborate methods and source-specific, technology-specific, region-specific or country-specific emission factors, which are often based on measurements, and normally require more highly disaggregated activity data. Specifically,		

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<p>tier 2 requires country-specific, instead of default, emission factors to be used, while tier 3 requires plant-by-plant data or measurements and comprises the application of a rigorous bottom-up assessment by source type at the individual facility level. Progressing from tier 1 to tier 3 represents an increase in the certainty of measurements of methane-related emissions¹².</p>		
<p>(22) Member States have different practices as concerns the tier level at which they report their energy related methane emissions to the UNFCCC. Reporting at tier 2 for large emission sources is in line with IPCC reporting guidelines as tier 2 is considered a higher tier method. Consequently, estimation methodologies and reporting of energy related methane emissions varies across Member States, and reporting at</p>		

¹² IPCC (2019) 2019 Refinement to the 2006 IPCC guidelines for national greenhouse gas inventories.

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the lowest, tier 1, level is still very common in several Member States for methane emissions from coal, gas and oil.		
(23) Currently, voluntary industry-led initiatives remain the principal course of action for methane emissions quantification and mitigation in many countries. A key energy sector led initiative is the Oil and Gas Methane Partnership ('OGMP'), a voluntary initiative on measuring and reporting of methane emissions created in 2014 by the United Nations Environmental Programme (UNEP) and the Climate and Clean Air Coalition (CCAC), in whose board the Commission is represented. The OGMP focuses on establishing best-practices to improve the availability of global information on methane emissions quantification and management and to drive mitigation actions to reduce methane emissions.		

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To date, over 60 companies have signed up to OGMP, covering 30% of global oil and gas production and assets in five continents. The OGMP's work on developing standards and methodologies involves governments, civil society and business. The OGMP 2.0 framework is the latest iteration of a dynamic methane emissions standard and it can provide a suitable basis for methane emissions standards, based on sound scientific norms.		
(24) Against this background, it is necessary to improve the measurement and quality of reported data of methane emissions, including on the main sources of methane emissions associated with energy produced and consumed within the Union. Moreover, the availability of source-level data and robust quantification of emissions should be ensured, thereby increasing the reliability of reporting as well as the scope		

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for appropriate measures for mitigation.		
(25) For measuring and reporting to be effective, oil and gas companies should be required to measure and report methane emissions by source, and to make aggregated data available to Member States in order for Member States to be able to improve the accuracy of their inventories reporting. In addition, effective verification of company reported data is necessary and, to minimise the administrative burden for operators, reporting should be organised on an annual basis.		
(26) This Regulation builds on the OGMP 2.0 framework insofar as it meets the criteria referred to in Recitals 24 and 25, to contribute towards the collection of reliable and robust data that would form a sufficient basis for monitoring methane emissions and if necessary		

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to build additional action to further curb methane emissions.		
(27) The OGMP 2.0 framework has five levels of reporting. Source-level reporting begins at level 3, which is considered comparable with UNFCCC tier 3. It allows generic emission factors to be used. OGMP 2.0 level 4 reporting requires direct measurements of source-level methane emissions. It allows the use of specific emission factors. OGMP 2.0 level 5 reporting requires the addition of complementary site-level measurements. In addition, the OGMP 2.0 framework requires companies to report direct measurements of methane emissions within three years of joining OGMP 2.0 for operated assets and within five years for non-operated assets. Building on the approach taken in OGMP 2.0 with regard to source-level reporting and taking into account	(27) The OGMP 2.0 framework has five levels of reporting. Source-level reporting begins at level 3, which is considered comparable with UNFCCC tier 3. It allows generic emission factors to be used. OGMP 2.0 level 4 reporting requires direct measurements of source-level methane emissions. It allows the use of specific emission factors. OGMP 2.0 level 5 reporting requires the addition of complementary site-level measurements. In addition, the OGMP 2.0 framework requires companies to report direct measurements of methane emissions within three years of joining OGMP 2.0 for operated assets and within five years for non-operated assets. Building on the approach taken in OGMP 2.0 with regard to source-level reporting and taking into account	HU supports NL proposal and reasoning. At the moment and in the near future, the top-down technique for site-level measurement is not yet sufficiently developed (quality not yet sufficient) to ensure sound measurements. Therefore, more time is needed than the requirement to compare bottom-up measurements with top-down (site-level) measurements 4 years after entry into force of the regulation (and every year thereafter).

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that a large number of Union companies had already signed up to OGMP 2.0 in 2021, Union operators should be required to deliver direct source-level measurements of their emissions within 24 months for operated assets and within 36 months for non-operating assets. In addition to source level quantification, site-level quantification allows assessment, verification and reconciliation of source-level estimates aggregated by site, thereby providing improved confidence in reported emissions. As in OGMP 2.0, this Regulation requires site-level measurements to reconcile source-level measurements.	that a large number of Union companies had already signed up to OGMP 2.0 in 2021, Union operators should be required to deliver direct source-level measurements of their emissions within 24 months for operated assets and within 36 months for non-operating assets. In addition to source level quantification, site-level quantification allows assessment, verification and reconciliation of source-level estimates aggregated by site, thereby providing improved confidence in reported emissions. As in OGMP 2.0, this Regulation requires site-level measurements to reconcile source-level measurements.	
(28) According to data from the Union's GHG inventory, more than half of all direct energy sector methane emissions is due to unintentional release of emissions into the atmosphere. In the case of oil and gas, that		

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represents the largest share of methane emissions.		
(29) Unintentional leaks of methane into the atmosphere can occur during drilling, extraction as well as during processing, storage, transmission and distribution to end-use consumers. They can also occur in inactive oil or gas wells. Some emissions result from imperfections in, or ordinary wear and tear of, technical components such as joints, flanges and valves, or from damaged components, for example in the case of accidents. Corrosion or damage can also cause leaks from the walls of pressurised equipment.		
(30) While venting of methane is typically intentional, resulting from processes or activities and devices designed for that purpose, it can also be unintentional, as in the case of a		

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malfunction.		
(31) In order to reduce those emissions, operators should take all measures available to them to minimise methane emissions in their operations.		
(32) More specifically, methane emissions from leaks are most commonly reduced by methane leak detection and repair ('LDAR') surveys, carried out to identify leaks and followed by repair of such leaks. Operators should therefore conduct at least periodic LDAR surveys and these should also cover surveying of components that vent methane, to survey for unintentional venting of methane.		
(33) For that purpose, a harmonised approach to ensure a level-playing field for all operators in the Union should be set up. That approach		

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should include minimum requirements for LDAR surveys, while leaving an adequate degree of flexibility to Member States and operators. This is essential to allow innovation and the development of new LDAR technologies and methods, thus preventing the lock-in of technology, to the detriment of environmental protection. New technologies and detection methods continue to emerge and Member States should encourage innovation in this sector, so that the most accurate and cost-effective methods can be adopted.		
(34) Obligations on LDAR surveys should reflect a number of good practices. LDAR surveys should be primarily aimed at finding and fixing leaks, rather than quantifying them, and those areas with a higher risk of leaks should be checked more frequently; the frequency of surveys should be guided not only		

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by the need to repair components from which methane is escaping above the methane emission threshold but also by operational considerations, taking into account risks to safety. Thus, where a higher risk to safety or higher risk of methane losses is identified, the competent authorities should be allowed to recommend a higher frequency of surveys for the relevant components; all leaks irrespective of size should be recorded and monitored, as small leaks can develop into larger ones; leak repairs should be followed by confirmation that they have been effective; in order to allow for future, more advanced methane emissions detecting technologies to be used, the size of methane loss at or above which a repair is warranted should be specified, while allowing operators the choice of detection device. Where appropriate, continuous monitoring may be used in the context of this Regulation.		

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<p><u>(34a) It is in the interest of the functioning of the internal market to have standards which have been harmonised at Union level. Once the reference to such a standard has been published in the Official Journal of the European Union, compliance with it should raise a presumption of conformity with the corresponding requirements set out in the implementing measure adopted on the basis of this Regulation, although other means of demonstrating such conformity should be permitted. In line with Article 10 of Regulation 1025/2012, the European Commission can request European standardisation organisations to develop technical specifications, European standards and harmonised European standards. One of the main roles of standards should be to help operators in applying the implementing</u></p>		

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<u>measures adopted under this Regulation</u>		
(35) Venting consists of is the release of uncombusted methane into the atmosphere either intentionally from processes or activities or devices designed to do it, or unintentionally in the case of a malfunction. In light of its potent GHG emission effect, venting should be banned except in the case of emergencies, malfunction or during certain specific events where some venting is unavoidable.		
(36) Flaring is the controlled combustion of methane for the purpose of disposal in a device designed for said combustion. When carried out during the normal production of oil and gas or fossil gas and as a result of insufficient in the absence of sufficient facilities or amenable geology to re-inject the produced gas methane , utilise it on-site, or dispatch it to a market,	Flaring should only be permissible when it is flaring for safety reasons, non-routine flaring and in case of a net environmental benefit, which nevertheless should be minimised the only alternative to venting and where venting is not prohibited Venting is more harmful to the environment than flaring as the released gas typically contains high-levels of methane,	Even with the necessary infrastructure, geology, utilization and dispatching to the market, flaring can still be necessary. In some cases the CO2 production for electricity generation (needed to drive the vent gas compressor) is higher than the CO2 equivalents of the flared methane stream. In such a case,

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<p>flaring is considered as routine flaring. Routine flaring should be banned. Flaring should only be permissible when it is the only alternative to venting and where venting is not prohibited. Venting is more harmful to the environment than flaring as the released gas typically contains high-levels of methane, whereas flaring oxidises methane into carbon dioxide.</p>	<p>whereas flaring oxidises methane into carbon dioxide.</p>	<p>recompression is not effective (it would lead to a net increase in CO2 emissions). The suggestion is to add that stopping flaring only has to take place in case of a net environmental benefit (scope 1 and scope 2)., Although the primary constituent of natural gas is methane, the text should be aligned with the definition of routine flaring in the “Zero Routine Flaring by 2030” initiative. See the Global Gas Flaring Partnership’s ‘Global Gas Flaring Data’ website.</p>
<p>(37) Using flaring as an alternative to venting requires that flaring devices are efficient at combusting methane. For that reason, a combustion efficiency requirement should also be included for the cases in which flaring is admissible. Use of pilot burners, which give</p>		

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more reliable ignition as they are not affected by wind, should also be required.		
(38) Re-injection, utilisation on-site or dispatch of the methane to a market should always be preferable to flaring - and therefore venting - of methane. Operators that vent should provide proof to the competent authorities that neither re-injection, utilisation on-site or dispatch of the methane to a market nor flaring were possible and operators that flare should provide proof to the competent authorities that re-injection, utilisation on-site or dispatch of the methane to a market was not possible.	(38) Re-injection, utilisation on-site or dispatch of the methane to a market should always be preferable to flaring - and therefore venting - of methane. Operators that vent should provide proof to the competent authorities that neither re-injection, utilisation on-site or dispatch of the methane to a market or a net environmental benefit nor flaring were possible and operators that flare should provide proof to the competent authorities that re-injection, utilisation on-site or dispatch of the methane to a market was not possible.	HU supports NL proposal
(39) Operators should notify major venting and flaring events without delay to the competent authorities and submit <u>annually</u> more comprehensive reports on all venting and		

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flaring events. They should also ensure that equipment and devices comply with the standards laid down in Union law.		
(40) Methane emissions from inactive oil and gas wells pose public health, safety and environmental risks. Therefore, monitoring and reporting obligations should still apply and those wells and well sites should be reclaimed and remediated. In such cases, Member States should have a predominant role, in particular to establish an inventories and mitigation plans.	(40) Methane emissions from inactive abandoned oil and gas wells pose public health, safety and environmental risks. Therefore, monitoring and reporting obligations should still apply and those wells and well sites should be reclaimed and remediated. In such cases, Member States should have a predominant role, in particular to establish an inventories and mitigation plans. For inactive wells that are sealed in accordance with best practices and approved by national regulators, this would not apply.	HU supports NL reasoning. Should be a different approach for abandoned inactive wells and sealed/plugged inactive wells. This obligation does not do justice to the fact that operators must comply with strict sealing requirements when abandoning wells. Research into abandoned wells in NL has shown that the measured methane emissions were insignificant. In a few cases where methane emissions could be measured, repairs were carried out. The quantities involved were so small that they do not justify an annual measurement campaign for hundreds of wells. It seems that this proposed obligation is looking for (large) emissions from leaking wells, which have never occurred in NL. Onshore, many locations are no longer

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		accessible due to construction and buildings. The environmental burden of carrying out the work does not outweigh the environmental gain. Also: a limited methane leakage may well be allowed without the need for a complete remediation of the well. A limited leakage of methane can be dealt with by surface measures without requiring the well to be remediated.
(41) EU GHG inventory data shows that coalmine methane emissions are the biggest single source of methane emissions in the Union's energy sector. In 2019, direct emissions from the coal sector represented 31% of methane emissions, almost equal to the percentage of direct methane emissions from fossil gas and oil combined, of 33%.		
(42) Currently, there is no Union-wide specific regulations limiting methane emissions		

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from the coal sector, despite availability of a wide array of mitigation technologies. There is no Union or international coal-specific monitoring, reporting and verification standard. In the Union, reporting of methane emissions from the coal industry is part of the GHG emission reporting by Member States and data from underground mines is also included in the European Pollutant Release and Transfer Register established by Regulation (EC) No 166/2006 ¹³ .		
(43) Methane emissions are primarily linked to underground mining activities, both in active and abandoned mines ¹⁴ . In active underground		

13 Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006)

14 (2020) N. Kholod et al Global methane emissions from coal mining to continue growing even with declining coal production, Journal of Cleaner Production, Volume 256, 120489

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mines, methane concentration in the air is continuously controlled, as it constitutes a health and safety hazard. In the case of underground coal mines, the vast majority of the methane emissions occur through ventilation and drainage or degasification systems, which represent the two main ways of lowering methane concentrations in a mine's airways.		
(44) Once production is halted and a mine is closed or abandoned, it continues to release methane, referred to as abandoned mine methane (AMM). These emissions typically occur at well-defined point sources, such as ventilation shafts or pressure-relief vents. With increased climate ambition and shifting energy production to less carbon-intensive energy sources, AMM emissions are likely to increase in the Union. It is estimated that even 10 years after mining is ceased, methane from non-		

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flooded mines continues to be emitted at levels attaining approximately 40% of emissions recorded at the time of closure ¹⁵ . Moreover, treatment of AMM remains fragmented due to different ownership and exploitation rights across the EU. Member States should thus establish inventories of closed and abandoned coal assets <u>underground coal assets mines where operations have ceased since 50 years prior to the date of entry into force of this Regulation</u> and, either them or the identified responsible party, should be required to install devices for measurement of methane emissions.		
(45) Operating surface coal mines in the Union produce lignite and emit less methane than underground coal mines. According to the		

15 (2020) N. Kholod et al Global methane emissions from coal mining to continue growing even with declining coal production, Journal of Cleaner Production, Volume 256, 120489

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<p>Union GHG inventory, in 2019 operating surface mines emitted 166 kilotonnes compared to 828 kilotonnes for underground coal mines¹⁶. Measurement of surface coal mine methane emissions is challenging due to their diffuse nature over a wide area. Therefore, and despite available technology¹⁷, emissions from surface mines are rarely measured. Methane emissions from surface mines can be derived using basin-specific coal emission factors¹⁸ and, with greater precision, using mine- or deposit-specific emission factors, since coal basins have deposits with different methane-bearing capacity¹⁹. Emission factors can be derived from measuring</p>		

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- 16 Methane emissions for the energy sector in Kilotonnes, disaggregated by emission category source, as reported to UNFCCC in April 2021 by EEA on behalf of the EU
- 17 Best Practice Guidance for Effective Management of Coal Mine Methane at National Level: Monitoring, Reporting, Verification and Mitigation, ECE Energy Series No. 71, UNECE 2021 (Forthcoming)
- 18 2006 IPCC guidelines for national greenhouse gas inventories.
- 19 Bilans Zasobow Zloz Kopalin, stan na 31.12.2020', State Geological [Surowce mineralne \(pgi.gov.pl\)](https://pgi.gov.pl)

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gas content of the seams sampled from exploration borehole cores ²⁰ . Mine operators should thus perform measurements of methane emissions in surface coal mines using such emission factors.		
(46) Therefore, mine operators should perform continuous measurement and quantification of methane emissions from ventilation shafts in underground coal mines, continuous measurement of vented and flared methane in drainage stations and use specific emission factors as regards surface coal mines. They should report that data to the competent authorities.		
(47) Currently, mitigation of methane		

20 Best Practice Guidance for Effective Management of Coal Mine Methane at National Level: Monitoring, Reporting, Verification and Mitigation, ECE Energy Series No. 71, UNECE 2021 (Forthcoming)

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emissions can be best achieved in operating and closed or abandoned underground coal mines. Effective mitigation of methane emissions from operating and closed or abandoned surface mines is currently limited by technology. However, in order to support research and development on mitigation technologies of such emissions in the future, there should be effective and detailed monitoring, reporting, and verification of the scale of those emissions.		
(48) Underground mines are either thermal or coking coal mines. Thermal coal is used primarily as an energy source and coking coal is used as a fuel and as a reactant in the process of steelmaking. Both coking coal and thermal coal mines should be subject to measuring, reporting and verification of methane emissions.		
(49) For operating underground coal mines,		

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<p>mitigation of methane emissions should be implemented through a phase out of venting and flaring. For closed or abandoned underground coal mines, while flooding the mine can prevent methane emissions, this is not systematically done and has environmental risks. Venting and flaring in these mines should also be phased out. As geological constraints and environmental considerations prevent a one-size-fits-all approach to mitigate methane emissions from abandoned underground coal mines²¹, Member States should establish their own mitigation plan, taking into consideration those constraints and the technical feasibility of AMM mitigation.</p>		
(50) Following a Commission proposal, on		

21 Best Practice Guidance for Effective Methane Recovery and Use from Abandoned Mines (UNECE, 2019)

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<p>28 June 2021, the Council adopted the new legal base of the Research Fund for Coal and Steel²² which foresees support for research and innovation for repurposing of the formerly operating coal mines or coal mines in the process of closure and related infrastructure in line with the overall objective of moving away from the coal and the Just Transition Mechanism. In this context, one of the main objectives for the new Research Fund for Coal and Steel programme for the coming years will be to minimise the environmental impacts of coal mines in transition, in particular with regard to methane emissions.</p>		

22 Council Decision (EU) 2021/1094 of 28 June 2021 amending Decision 2008/376/EC on the adoption of the Research Programme of the Research Fund for Coal and Steel and on the multiannual technical guidelines for this programme, OJ L 236/69. Council Decision (EU) 2021/1207 of 19 July 2021 amending Decision 2003/77/EC laying down multiannual financial guidelines for managing the assets of the ECSC in liquidation and, on completion of the liquidation, the Assets of the Research Fund for Coal and Steel. Council Decision (EU) 2021/1208 of 19 July 2021 amending Decision 2003/76/EC establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, OJ L 261/54.

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(51) The Union is dependent on imports for 70% of its hard coal consumption, 97% of its oil consumption, and 90% of its fossil gas consumption. There is no precise knowledge on the magnitude, origin or nature of methane emissions linked to fossil energy consumed in the Union but occurring in third countries.		
(52) Global warming effects caused by methane emissions are cross-border. Although some fossil energy producing countries are beginning to act domestically to reduce methane emissions from their energy sectors, many exporters are not subject to any regulations in their respective domestic markets. Such operators need clear incentives to act on their methane emission, hence transparent information on methane emissions should be made available to the markets.		

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(53) Currently there is limited accurate data (UNFCCC Tier 3 or equivalent) on international methane emissions. Many fossil exporting countries have so far not submitted full inventory data to the UNFCCC. At the same time, there is evidence of large increases of methane emissions from oil and gas production activities globally from 65 to 80 Mt/year in the last 20 years ²³ .		
(54) As announced in the Communication on the EU Methane Strategy ²⁴ , the Union is committed to working in cooperation with its energy partners and other key fossil energy importing countries to tackle methane emissions		

²³ Global Assessment of Oil and Gas Methane 1 Ultra-Emitters; T. Lauvaux, C. Giron, M. Mazzolini, A. d'Aspremont, R. Duren, D. Cusworth, D. Shindell, P. Ciais; April 2021.

²⁴ COM(2020) 663 final

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globally. Energy diplomacy on methane emissions has already yielded important outcomes. In September 2021, the Union and the United States announced the Global Methane Pledge, which represents a political commitment to reduce global methane emissions by 30% by 2030 (from 2020 levels), launched at the UN Climate Change Conference (COP 26) in November 2021 in Glasgow. Over one hundred countries have committed their support, representing nearly half of global anthropogenic methane emissions. The Global Methane Pledge includes a commitment to move towards using best available inventory methodologies to quantify methane emissions, with a particular focus on high emission sources.		
(55) Further, the International Methane Emissions Observatory (IMEO) will play an		

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important and lead role to increase transparency on global energy sector methane emissions. Support for setting up the IMEO was provided by the Council in its January 2021 conclusions on Climate and Energy Diplomacy ²⁵ .		
(56) The Commission will work with the IMEO to set up a ‘Methane Supply Index’, as explicitly referred to in the Communication on the EU Methane Strategy ²⁶ . It would provide methane emission data from different sources of fossil energy from around the globe - including from source-level estimations and measurements as well as from aerial/satellite monitoring - thereby empowering buyers of fossil energy to make informed purchasing decisions on the basis of the methane emissions		

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26 COM(2020) 663 final

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of fossil energy sources.		
(57) In parallel to continuing its successful diplomatic work to achieve such global commitments, the Union is further encouraging significant methane emissions abatement globally, and in particular in the countries supplying fossil energy to the Union.		
(58) Therefore, importers of fossil energy to the Union should be required to provide Member States with information on measures related to measurement, reporting and mitigation of methane emissions undertaken by exporters, in particular the application of regulatory or voluntary measures to control their methane emissions, including measures such as leak detection and repair surveys or measures to control and restrict venting and flaring of methane. The levels of measurement and		

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reporting set out in the information requirements applied to importers correspond to the ones to be required from Union operators in this Regulation, as outlined in Recitals 24 to 26 and 46. The information on measures to control methane emissions is not more burdensome than that required from Union operators.		
(59) Member States should communicate that information to the Commission. On the basis of that information, the Union should set up and manage a transparency database for fossil energy imports into the Union, detailing whether the exporting companies have signed up to the OGMP for oil and gas companies and to the extent that it is set up, an equivalent, internationally or Union recognised standard for coal companies. Such information should demonstrate the degree of commitment of companies in exporting countries to measure,		

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report and have verified their methane emissions according to tier 3 methods of UNFCCC reporting. Such a transparency database would serve as a source of information for the purchasing decisions of importers of fossil energy to the Union as well as for other stakeholders and the public. The transparency database should also reflect the efforts undertaken by companies in the Union and companies exporting fossil energy to the Union to measure and report as well as reduce their methane emissions. It should also include information on the measurement, reporting and mitigation regulatory actions by countries where fossil energy is produced.		
(60) In addition, the Union should put in place a global methane emitter monitoring tool, providing information on the magnitude, recurrence and location of high methane-		

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emitting sources. This should further encourage real and demonstrable results from the implementation of methane regulations and effective mitigation actions by companies in the Union and companies supplying fossil energy to the Union. The tool should pool data from several certified data providers and services, including the Copernicus component of the EU Space Programme and the IMEO. The tool should inform the Commission's bilateral dialogues with the countries concerned to discuss the different scenarios envisaged for methane emissions policies and measures.		
(61) In combination, the measures referred to in Recitals 58 to 60 should enhance transparency for buyers, enabling them to make informed sourcing decisions and improve the possibility of wider uptake of methane mitigation solutions across the globe. In		

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addition, they should further incentivise international companies to sign up to international methane measurement and reporting standards such as OGMP or to adopt effective measurement, reporting and mitigation measures. These measures are designed as the basis for a stepwise approach to increase the level of stringency of the measures applicable to imports. The Commission should thus be empowered to amend or add to the reporting requirements of importers. Furthermore, the Commission should evaluate the implementation of those measures and, if it deems appropriate, submit proposals for review to impose more stringent measures on importers and to ensure a comparable level of effectiveness of measures applicable in third countries to monitor, report, verify and mitigate methane emissions. The evaluation should take into account the work undertaken by the IMEO,		

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including the Methane Supply Index, the transparency database and the global methane emitter monitoring tool. Should the Commission find it appropriate to increase the level of stringency of the measures applicable to imports, it is of particular importance that the Commission carries out appropriate consultations during its preparatory work including consulting relevant third countries.		
(62) Member States should ensure that infringements of this Regulation are sanctioned by effective, proportionate and dissuasive penalties, which may include fines and periodic penalty payments, and take all measures necessary to ensure that they are implemented. In order to play a significant deterrent effect, penalties should be adequate to the type of infringement, to the possible advantage for the operator and to the type and gravity of the		

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environmental damage. When imposing penalties, due regard should be given to the nature, gravity and duration of the infringement in question. The imposition of penalties should be proportionate and should comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of fundamental rights.		
(63) In order to ensure more consistency, a list of the types of infringements that should be subject to penalties should be set out. In order to facilitate the more consistent application of penalties, common non-exhaustive and indicative criteria for the application of penalties should be set out. The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States, in compliance with the data protection		

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requirements set out in Regulations (EU) 2016/679 ²⁷ and (EU) 2018/1725 of the European Parliament and the Council ²⁸ .		
(64) As a result of the provisions requiring investments by regulated operators to be taken into account in tariff setting, Regulation (EU) 2019/942 of the European Parliament and of the Council ²⁹ should be amended to entrust ACER with the task of making available a set of indicators and reference values for the comparison of unit investment costs linked to measurement, reporting and abatement of		

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- 27 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
- 28 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).
- 29 Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (OJ L 158, 14.6.2019).

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methane emissions for comparable projects.		
(65) In order to define the elements of the phase out of venting and flaring in coking coal mines, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement this Regulation by setting out restrictions on venting methane from ventilation shafts for coking coal mines. In addition, in order to allow for further information to be required from importers, as proved necessary, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement this Regulation by amending or adding to the information to be provided by importers. It is of particular importance that the Commission carry out appropriate consultations during its		

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preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.		
(66) In order to ensure uniform conditions for implementation, implementing powers should be conferred on the Commission to adopt detailed rules with regard to common formats for reporting, in accordance with Article 291 of the Treaty on the Functioning of the European Union. Those powers should be exercised in		

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accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ³⁰ .		
(67) Operators and competent authorities should be given a reasonable period in order to take the necessary preparatory actions to meet the requirements of this Regulation.		
(68) Since the objective of this Regulation, namely the accurate measurement, reporting, verification and the reduction of methane emissions in the energy sector, cannot be achieved by the Member States individually and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of		

³⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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Presidency compromise text	Drafting Suggestions	Comments
subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,		
HAVE ADOPTED THIS REGULATION:		
Chapter 1		
General Provisions		
Article 1		
Subject matter and scope		
1. This Regulation lays down rules for the accurate measurement, monitoring , reporting	This Regulation also lays down rules on tools ensuring transparency of methane emissions	We propose to delete the target for energy imports. Reporting obligations on third

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and verification of methane emissions in the energy sector in the Union, as well as the abatement of those emissions, including through leak detection and repair surveys and restrictions on venting and flaring. This Regulation also lays down rules on tools ensuring transparency of methane emissions from imports of fossil energy into the Union.	from imports of fossil energy into the Union.	countries are not enforceable, it makes MS data reporting impossible.
2. This Regulation applies to:		
(a) oil and fossil gas upstream exploration and production, fossil gas gathering and processing;		
(b) gas transmission, distribution (except metering systems), underground storage and liquid liquefied gas (LNG) terminals operating with fossil and/or renewable (bio-or synthetic) methane;		

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(c) operating underground and surface coalmines, closed and abandoned underground coal mines.		
	(d) this regulation does not apply to oil and gas wells that are permanently plugged and abandoned in accordance with regulatory requirements of the competent authorities	We propose to exempt from scope the premamnently plugged and abandoned oil and gas wells in accordance with national regulations.
3. This Regulation applies to methane emissions occurring outside the Union in what relates to importer information requirements, to the methane transparency database and to the methane emitters monitoring tool.	3. This Regulation applies to methane emissions occurring outside the Union in what relates to importer information requirements, to the methane transparency database and to the methane emitters monitoring tool.	We propose to delete paragraph (3). <u>OR</u> The provision should be applied only when the MS or the EU has an international agreement with the thrid county in this subject.
Article 2		
Definitions		
For the purposes of this Regulation, the		

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following definitions apply:		
(1) ‘methane emissions’ means all direct emissions occurring from all components that are potential sources of methane emissions, whether as a result of intentional or unintentional venting, incomplete combustion in flares or from other components and unintentional leaks;		
(2) ‘transmission system operator’ has the meaning attributed to it by [Article 2(4) of Directive 2009/73/EC of the European Parliament and of the Council ³¹] <i>[to be adapted as per ongoing recast proposal]</i> ;		
(3) ‘distribution system operator’ has the		

31 Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

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meaning attributed to it by [Article 2(6) of Directive 2009/73/EC] <i>[to be adapted as per ongoing recast proposal]</i> ;		
(4) ‘operator’ means any natural or legal person who operates or controls an asset or, where provided for in national legislation, to whom decisive economic power over the technical functioning of an asset has been delegated;		
(5) ‘mine operator’ means any natural or legal person who operates or controls a coal mine or, where provided for in national legislation, to whom decisive economic power over the technical functioning of a coal mine has been delegated;		
<u>(5a) ‘component’ means any part or element of equipment used in oil or gas sites</u>		

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<u>or infrastructure that could be the source of fugitive emissions or venting of methane, including but not limited to, valves, connectors and flanges, open-ended lines, pressure release valves, thief hatches, walls of vessels or pipes</u>		
(5b) <u>‘site’ means a collection of components with some relation to one another as a subdivision of an asset, including but not limited to a production battery, compressor station, processing plant, transmission station, pipeline segment, a pipeline network, or a liquefaction plant;</u>		
(6) ‘verification’ means the activities carried out by a verifier to assess the conformity of the reports transmitted by the operators and mine operators;		

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(7) ‘verifier’ means a legal person different from the competent authorities appointed in accordance with Article 4 of this Regulation which carries out verification activities and which is accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008 or a natural person otherwise authorised, without prejudice to Article 5(2) of that Regulation, at the time a verification statement is issued;		
<u>(7a) ‘quantification’ means operations to determine the quantity of methane emissions, based on direct measurements and only where those are not feasible, based on a combination of direct measurements and other methods such as simulation tools and other detailed engineering calculations.</u>		
(8) ‘source’ means a component or a		The term component should be clarified.

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geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;		
(9) ‘asset’ means a business or operating unit, which can be composed of several facilities or sites, including assets under the operational control of the operator (operated assets) and assets which are not under the operational control of the operator (non-operated assets);	“‘asset’ means a business or operating unit, which can be composed of several facilities or sites, including assets under the operational control of the operator (operated assets) and assets which are not under the operational control of the operator (non-operated assets); ”	The definition and the reporting obligation of “non-operated assets” are proposed to be deleted. Reporting on non-operated assets would result in double reporting to the authorities (i.e. reporting methane emissions occurring from the same asset twice) since the owner(s) and the operator must meet the same reporting requirement. Hence, every operator should be responsible for the assets that he/she operates regardless of the ownership. Only the list of non-operated assets should be reported by owners, detailed report on methane emissions should only be submitted by the operator (as for an operated asset).
(10) ‘emission factor’ means a coefficient		Hungary supports PRES proposal.

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that quantifies the emissions or removals of a gas per unit activity, which is often either based on a sample of measurement data or other methods such as simulation tools and detailed engineering calculations , averaged to develop a representative rate of emission for a given activity level under a given set of operating conditions;		
(11) ‘generic emission factor’ means a standardised emission factor for each type of emission source which is derived from inventories or databases, but in any case not verified through direct measurements;		
(12) ‘specific emission factor’ means an emission factor derived from direct measurements;	specific emission factor’ means an emission factor derived from direct measurements applicable for a particular emission source type and field verified at the installation in question	HU supports DE proposal.

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(13) ‘direct measurement’ means <u>measurement</u> direct quantification of the methane emission at source-level with a methane-measuring <u>devices allowing to obtain credible estimates of parameters needed for the quantification of methane emission rates</u> device;	‘direct quantification’ includes methods for determining the size of a methane emission source in terms of customary units of emissions rate, such as mass per time (e.g. kilograms per hour) or volume per time (e.g. standard cubic metres per hour). This can be accomplished by engineering estimations, direct measurement of the methane source, and from models that use ambient measurements and meteorological data to infer an emission rate.”	HU support DE proposal
(14) ‘site-level methane emissions’ means all sources of emissions within an asset;		
(15) ‘site-level measurement’ means a top-down measurement and typically involves the use of sensors mounted on a mobile platform, such as vehicles, drones, aircrafts, boats and satellites or other means to capture a complete overview of emissions across an entire site;		

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(16) ‘undertaking’ means a natural or legal person carrying out at least one of the following functions: upstream oil and fossil gas exploitation, exploration and production, fossil gas gathering and processing and gas transmission, distribution and underground storage, including LNG terminals ;		
(17) ‘leak detection and repair survey’ means a survey to identify sources of methane emissions, including leaks and other unintentional emissions venting ;		HU supports PRES proposal LDAR clarification.
<u>(17a) ‘shutdown’ means a situation where a system or part of its components is shut down from normal operating conditions and where complete or partial pressure reduction is required prior to initiating repair and maintenance works;</u>		OK.

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(18) ‘venting’ means the release of uncombusted methane into the atmosphere either intentionally from processes, activities or devices designed for such a purpose, or unintentionally in the case of a malfunction or geological constraints;		
(19) ‘flaring’ means the controlled combustion of methane for the purpose of disposal in a device designed for said combustion;		
(20) ‘emergency’ means a temporary, unexpected, infrequent situation in which the methane emission is unavoidable and necessary to prevent an immediate and substantial adverse impact on human safety, public health or the environment, but does not include situations arising from or related to the following events:		

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(a) failure of the operator to install appropriate equipment of sufficient capacity for the expected or actual rate and pressure of production;		
(b) failure of the operator to limit production where the production rate exceeds the capacity of the related equipment or gathering system, except where the excess production is due to a downstream emergency, malfunction, or unscheduled repair and lasts for no longer than eight hours from the time of notification of the downstream capacity issue;		
(c) scheduled maintenance;		
(d) operator negligence;		

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(e) repeated failures, that is to say four or more failures within the preceding 30 days, of the same piece of equipment;		
(21) ‘malfunction’ means a sudden, unavoidable failure or breakdown of equipment beyond the reasonable control of the operator that substantially disrupts operations but does not include a failure or breakdown that is caused entirely or in part by poor maintenance, careless operation or other preventable equipment failure or breakdown;		
(22) ‘routine flaring’ means flaring during the normal production of oil or fossil gas and in the absence of sufficient facilities or amenable geology to re-inject methane, utilise it on-site, or dispatch it to a market;		
(23) ‘flare stack’ means a device equipped		

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with a burner used to flare methane;		
<u>(23a) ‘destruction and removal efficiency’ means the mass percentage of methane that is destroyed or removed after the combustion has ceased relative to the quantity of methane entering the flare;</u>		OK.
(24) ‘Inactive well’ means an oil or gas well or well site, <u>onshore or offshore,</u> -where operations for exploration or production have ceased for at least one year. <u>It shall not include temporarily plugged wells, permanently plugged and abandoned wells, as defined in this Regulation, nor wells drilled in order to establish the existence of a possible hydrocarbons deposit or to acquire information in order to delimit an established deposit, provided no deposit was found to exist.</u> ;		HU supports PRES proposal.

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<u>(24a) ‘Permanently plugged and abandoned well’ means an oil or gas well or well site, onshore or offshore, which has been plugged and will not be re-entered, where all installations associated with the well have been removed and operations have been terminated and where documentation adequate to demonstrate that there are no methane emissions from that well or well site can be provided.</u>		Scrutiny reserve from HU.
<u>(24b) ‘Temporarily plugged well’ means an oil or gas well or well site, onshore or offshore, where primary and secondary well barriers have been installed to isolate all potential flow zones exposed by the well and where a wellhead is still installed and access to the well is still provided for</u>		

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(25) 'remediating' means the process of cleaning up contaminated water and soil;		
(26) 'reclaiming' means the process of returning a well or well site to having soil and vegetation conditions similar to those that existed before it was disturbed;		
(27) 'coal mine' means a site where coal mining occurs or has occurred, including lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines and tools situated on the surface or underground and used in, or resulting from the work of extracting lignite, subbituminous coal, bituminous coal, or anthracite from its natural deposits in the earth by any means or method, including the work of preparing the coal to be extracted;		

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(28) ‘operating coal mine’ means a coal mine where the majority of its revenue comes from the work of extracting lignite, subbituminous coal, bituminous coal or anthracites, and where at least one of the following conditions apply:		
(a) mine development is underway.		
(b) coal has been produced within the last 90 days.		
(c) mine ventilation fans are operative.		
(29) ‘underground coal mine’ means a coal mine where coal is produced by tunnelling into the earth to the coalbed, which is then mined with underground mining equipment such as cutting machines and continuous, longwall and shortwall mining machines, and transported to		

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the surface;		
(30) ‘surface coal mine’ means a coal mine where coal lies near the surface and can be extracted by removing the covering layers of rock and soil;		
(31) ‘ventilation shaft’ means a vertical passage used to move fresh air underground or to remove methane and other gases from an underground coal mine;		
(32) ‘drainage station’ means a station collecting methane from a coal mine gas drainage system;		
(33) ‘drainage system’ means a system, which may comprise multiple methane sources and which drains methane-rich gas from coal		

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seams or surrounding rock strata and transports it to a drainage station;		
(34) ‘post-mining activities’ are activities carried out after coal has been mined and brought to the surface, including coal handling, processing, storage, and transport;		
(35) ‘continuous measurement’ means a measurement where the reading is taken at least every minute;		
(36) ‘ventilation air methane’ means methane emitted from coal seams and other gas-bearing strata and which enters the ventilation air and is exhausted from the ventilation shaft;		
(37) ‘coal deposit’ is an area of the land containing significantly mineable quantities of		

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coal, defined according to the Member State's methodology on documenting geological mineral deposits;		
(38) 'closed coal mine' means a coal mine with an identified operator, owner or licensee and closed according to the applicable licensing requirements or other regulations;		
(39) 'abandoned coal mine' means a coal mine where an operator, owner or licensee cannot be identified, or that has not been closed in a regulated manner;		
(40) 'coking coal mine' means a mine where at least 50% of the production output averaged over the last three available years is coking coal, as defined in Annex B of Regulation (EC) no		

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1099/2008 of the European Parliament and of the Council ³² ;		
(41) ‘importer’ means a natural or legal person established in the Union who, in the course of a commercial activity, places fossil energy from a third country on the Union market.	(41) — ‘importer’ means a natural or legal person established in the Union who, in the course of a commercial activity, places fossil energy from a third country on the Union market.	We propose to delete the definition, since we do not support the provisions on import.
<i>Article 3</i>		
Costs of regulated operators		
1. When fixing or approving transmission or distribution tariffs or the methodologies to be used by transmission system operators, distribution system operators, LNG terminal		The recognition of costs will have an impact on final consumer prices. We propose to introduce other incentives (EU funding, subsidies, state aid) to alleviate the indirect burden on final

32 Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 1)

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operators or other regulated companies including where applicable underground gas storage operators, regulatory authorities shall take into account the costs incurred and investments made to comply with the obligations under this Regulation, insofar as they correspond to those of an efficient and structurally comparable regulated operator.		consumers.
2. Every three years, the European Union Agency for the Cooperation of Energy Regulators (ACER) shall establish and make publicly available a set of indicators and corresponding reference values for the comparison of unit investment costs linked to measurement, reporting and abatement of methane emissions for comparable projects. The relevant regulatory authorities and the regulated operators shall provide ACER with all the data necessary for that comparison.		OK.

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Presidency compromise text	Drafting Suggestions	Comments
Chapter 2		
Competent authorities and independent verification		
Article 4		
Competent authorities		
1. Each Member State shall designate one or more competent authorities responsible for monitoring and enforcing the application of this Regulation.		
Member States shall notify the Commission of the names and contact details of the competent authorities by ... [3 96 months after the date of entry into force of this Regulation]. Member	Member States shall notify the Commission of the names and contact details of the competent authorities by ... 12 months after the date of entry into force of this Regulation]. Member	In Hungary, it is expected that more authorities will need to be designated according to the tasks arising from the implementation of the Regulation. The designation will take much

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States shall notify the Commission without delay of any changes to the names or contact details of the competent authorities.	States shall notify the Commission without delay of any changes to the names or contact details of the competent authorities.	longer time than 3 months, we propose to amend it to at least 12 months.
2. The Commission shall make a list of the competent authorities publicly available and shall regularly update that list.		
3. Member States shall ensure that the competent authorities have adequate powers and resources to perform the obligations set out in this Regulation.		
Article 5		
Tasks of the competent authorities		
1. The competent authorities shall take the necessary measures to ensure compliance with		OK.

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this Regulation in accordance with the tasks specifically attributed to them therein the requirements set out in this Regulation.		
2. Operators and mine operators shall provide the competent authorities with all assistance necessary to enable or facilitate the performance of the tasks of the competent authorities referred to in this Regulation, notably as regards access to the premises and the presentation of documentation or records.		
3. The competent authorities shall cooperate with each other and with the Commission and as necessary may cooperate with authorities of third countries, in order to ensure compliance with this Regulation. The Commission may set up a network of competent authorities to foster cooperation, with the necessary arrangements for exchanging		HU supports PRES proposal.

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information and best practices and allow for consultations.		
4. Where reports are to be made public in accordance with this Regulation, the competent authorities shall make them publicly available free of charge, on a designated website and in freely accessible, downloadable and editable format.	Where reports are to be made public in accordance with this Regulation, the competent authorities shall make them publicly available free of charge, on a designated website and in freely accessible, downloadable and editable format. Commercially sensitive data should be handled accordingly.	The handling of commercially sensitive data should be ensured. National provisions for critical infrastructure should be respected.
Where information is kept confidential in accordance with Article 4 of Directive 2003/4/EC, the competent authorities shall indicate the type of information that has been withheld and the reason therefor.		
Article 6		

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Presidency compromise text	Drafting Suggestions	Comments
Inspections		
1. The competent authorities shall carry out periodic inspections based on a risk assessment to check the compliance of operators or mine operators with the requirements set out in this Regulation. The first inspection shall be completed by ... <i>[18 months after the date of entry into force of this Regulation]</i> .	The competent authorities shall carry out periodic inspections based on a risk assessment to check the compliance of operators or mine operators with the requirements set out in this Regulation. The first inspection shall be completed by ... <i>[30 months after the date of entry into force of this Regulation]</i> .	We propose to postpone the date of the first inspection to 30 months after the entry into force of the regulation, since setting up the new authority and fullfilling the requirements set out in the draft (measures, repairs, other investments) will need longer time.
2. Inspections shall include, where relevant, site checks or field audits examination of documentation and records that demonstrate compliance with the requirements of this Regulation, methane emissions detection and concentration measurements and any follow-up action undertaken by or on behalf of the competent authority to check and promote compliance of sites or facilities with the		

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requirements of this Regulation.		
Where an inspection has identified a serious breach of the requirements of this Regulation, the competent authorities shall issue a notice of remedial actions to be undertaken by the operator or mine operator, as part of the report referred to in paragraph 5.		
3. After the first inspection referred to in paragraph 1, the competent authorities shall draw up programmes for routine inspections based on a risk assessment . The period between inspections shall be based on an appraisal of the environmental risk and shall not exceed two five years. Where an inspection has identified a serious breach of the requirements of this Regulation, the subsequent inspection shall take place within one year.		OK.

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Presidency compromise text	Drafting Suggestions	Comments
4. The competent authorities shall carry out non-routine inspections-:		The proposed provisions are unnecessarily detailed in the context of regulating the procedures of Member States' authorities.
(a) to investigate substantiated complaints referred to in Article 7 and occurrences of non-compliance as soon as possible after the date the competent authorities become aware of such complaints or non-compliance;		
(b) to ensure, where deemed relevant by the competent authorities , that leak repairs or replacements of components were carried out in accordance with Article 14.		OK.
5. Following each inspection, the competent authorities shall prepare a report describing the legal basis for the inspection, the procedural steps followed, the relevant findings and recommendations for the further action by		The proposed provisions are unnecessarily detailed in the context of regulating the procedures of Member States' authorities. The detailed documentation of the inspection as proposed is not reasoned (notification of the

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the operator or mine operator.		complainant, publicity). We propose to simplify the provisions and refer to the general rules of national administrative procedures.
The report shall be notified to the operator concerned and made publicly available within two months of the date of the inspection. Where the report was triggered by a complaint made in accordance with Article 7, the competent authorities shall notify the complainant once the report is publicly available.		
The report shall be made publicly available by the competent authorities in accordance with Directive 2003/4/EC. Where information is kept confidential in accordance with Article 4 of Directive 2003/4/EC, the competent authorities shall indicate in the report the type of information that has been withheld and the reason thereof.		

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6. — Operators and mine operators shall take all the necessary actions set out in the report referred to in paragraph 5 within the period determined by the competent authorities or any other period agreed with the competent authorities.		HU supports deletion.
Article 7		
Complaints lodged with the competent authorities		Clarification is needed regarding the type of the procedure and the authority.
1. Any natural or legal person which considers that it has suffered injury as a result of a breach of the requirements of this Regulation by operators or mine operators , may lodge a written complaint with the competent authorities on a possible breach of the		OK.

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requirements of this Regulation by operators or mine operators.		
2. The complaints shall be duly substantiated and contain sufficient evidence of the alleged breach and of the injury resulting therefrom.		
3. Where it becomes apparent that the complaint does not provide sufficient evidence to justify pursuing an investigation, the competent authorities shall inform the complainant of the reasons for their decision not to pursue an investigation.		
4. Without prejudice to the rules applicable pursuant to national law, the competent authorities shall keep the complainant informed of the steps taken in the procedure and, where applicable, inform them of appropriate		

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alternative forms of redress, such as recourse to national courts or any other national or international complaints procedure.		
5. Without prejudice to the rules applicable pursuant to national law and on the basis of comparable procedures, the competent authorities shall establish and make publicly available indicative periods to take a decision on complaints.		
Article 8		HU supports NL approach and can be flexible to delete this Article from the text.
Verification activities and verification statement		
1. Verifiers shall assess the conformity of the emissions reports submitted to them by		

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operators or mine operators in accordance with this Regulation. They shall assess the conformity of the reports with the requirements laid down <u>in</u> this Regulation and review all data sources and methodologies used in order to assess their reliability, credibility and accuracy, in particular the following points:		
(a) the choice and employment of emission factors;		
(b) the methodologies, calculations, samplings, statistical distributions and levels of materiality leading to the determination of methane emissions;		
(c) any risks of inappropriate measuring or reporting;		

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(d) any quality control or quality assurance systems applied by the operators or mine operators.		
2. In carrying out the verification activities referred to in paragraph 1, verifiers shall use free and publicly available European or international standards for methane emissions quantification as made applicable by the Commission in accordance with paragraph 5. Until such date where the applicability of those standards is determined by the Commission, verifiers shall use existing European or international standards for quantification and verification of greenhouse gas emissions. Where no international or European standards are available, operators shall provide information to the verifiers on the standards or methodologies used by the operators, for the purpose of verification		OK.

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activities.		
Verifiers may conduct site checks to determine the reliability, credibility and accuracy of the data sources and methodologies used.		
3. Verifiers shall issue a verification statement verifying the conformity of the emissions report and specifying the verification work carried out, once their assessment concludes with reasonable assurance that the emissions report complies with the requirements of this Regulation.		
The verifiers shall only issue the verification statement where reliable, credible and accurate data and information enable the methane emissions to be determined with a reasonable degree of certainty and provided the reported data is coherent with the estimated data,		

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complete and free of inconsistencies.		
Where the assessment concludes that the emissions report does not comply with the requirements of this Regulation, the verifiers shall inform the operator or the mine operator thereof and the operator or the mine operator shall submit a revised emissions report to the verifier without delay.		
4. Operators and mine operators shall provide the verifiers with all the assistance necessary to enable or facilitate the performance of the verification activities, notably as regards access to the premises and the presentation of documentation or records.		
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 31 to supplement this Regulation by	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 31 to supplement this Regulation by	We do not support the empowerment of the Commission. Member States would have no substantial influence on the legislation and the

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incorporating and setting out the applicability of European or international standards on methane emissions quantification and measurement for the purposes of this Regulation.	incorporating and setting out the applicability of European or international standards on methane emissions quantification and measurement for the purposes of this Regulation.	adaptation of the measurement methodology can generate significant investment needs throughout the value chain, which could lead to an unjustified increase in costs.
Article 9		HU supports NL approach to delete this Article.
Independence and accreditation of verifiers		
1. Verifiers shall be independent from the operators and mine operators and shall carry out the activities required under this Regulation in the public interest. For that purpose, neither the verifiers nor any part of the same legal entity shall be an operator or mine operator, the owner of an operator or mine operator, or be owned by them, nor shall the verifiers have relations with operators or mine operators that could affect their independence and impartiality.		

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2. Verifiers shall be accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008.		
3. Where no specific provisions concerning the accreditation of verifiers are laid down in this Regulation, the relevant provisions of Regulation (EC) No 765/2008 shall apply.		
Article 10		
International Methane Emissions Observatory		
1. Provided the interest of the Union is protected, the International Methane Emissions Observatory shall be attributed a verification role with respect to methane emissions data, in		We support DE comment: suggest to clarify the role of the national competent authorities/ national verifiers and the IMEO, specifically if this implies duplication of

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particular with regard to the following tasks:		tasks.
(a) aggregation of methane emissions data in accordance with appropriate statistical methods;		
(b) verification of methodologies and statistical processes employed by companies to quantify methane emissions data;		
(c) development of data aggregation and analysis methodologies in accordance with scientific and statistical good practice to ensure a higher level of accuracy of emission estimates, with appropriate characterization of the uncertainty;		
(d) publication of aggregated company reported data by core source and by level of		OK.

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reporting, classified by operated and non-operated assets , in compliance with competition and confidentiality requirements;		
(e) reporting of findings on major discrepancies between data sources, contributing to build more robust scientific methodologies.		
2. The Commission may submit methane emissions data to the International Methane Emissions Observatory, as made available to it by the competent authorities in accordance with this Regulation.		
3. The information produced by the International Methane Emissions Observatory shall be made available to the public and the Commission.		

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Chapter 3		
Methane emissions in the oil and gas sectors		
Article 11		
Scope		
This Chapter applies to the activities within the EU referred to in points (a) and (b) of Article 1(2).		OK.
Article 12		
Monitoring and reporting		
1. By ... [182 months from the date of entry into force of this Regulation], operators		HU supports PRES proposal.

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shall submit a report to the competent authorities containing <u>the quantification of</u> source-level methane emissions estimated using <u>at least</u> generic but source-specific emission factors for all sources. <u>Operators may choose to submit at that stage a report according to the requirements in paragraph 2.</u>		
2. By ... [24 months from the date of entry into force of this Regulation], operators shall also submit a report to the competent authorities containing direct measurements quantification of source-level methane emissions for operated assets. Reporting at such level may involve the use of source-level measurement and sampling as the basis for establishing specific emission factors used for emissions estimation quantification.		We support PRES proposals.
3. By ... [36 months from the date of entry		The site-level technologies are currently

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<p><i>into force of this Regulation]</i> and by 30 March 31 May every year thereafter, operators shall submit a report to the competent authorities containing direct measurements quantification of source-level methane emissions for operated assets referred to in paragraph 2, complemented by measurements of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site.</p>		<p>evolving, and their availability and accuracy cannot be guaranteed.</p>
<p>Before submission to the competent authorities, operators shall ensure that the reports set out in this paragraph are assessed by a verifier and include a verification statement issued in accordance with Articles 8 and 9.</p>		
<p>4. By ... [<i>36 months from the date of entry into force of this Regulation</i>], undertakings established in the Union shall submit a report to</p>	<p>4. By ... [<i>36 months from the date of entry into force of this Regulation</i>], undertakings established in the Union shall</p>	<p>Scrutiny reserve to new text.</p> <p>We maintain that the proposed set of measures create unjustified administrative and human</p>

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<p>the competent authorities <u>of the Member State where the asset is located</u> containing direct measurements quantification of source-level methane emissions for non-operated assets <u>provided these have not already been reported by an operator in response to the obligation under paragraph 2.</u> Reporting at such level may involve the use of source-level measurement and sampling as the basis for establishing specific emission factors used for emissions estimation.</p>	<p>submit a report to the competent authorities containing direct measurements of source-level methane emissions for non-operated assets. Reporting at such level may involve the use of source-level measurement and sampling as the basis for establishing specific emission factors used for emissions estimation.</p>	<p>resource burden. Compared to the benefits of measuring and reporting.</p> <p>We propose that, following the operator's assessment of inactive wells, it should be possible to exempt inactive wells where there is no physical risk of methane leakage. Where, in principle, there is a physical possibility of leaking (but the wells are plugged in practice), it is recommended that a technical inspection can be carried out by the operator to verify that the leakage can be excluded.</p> <p>We propose site level measurement for inactive wells. For inactive hydrocarbon wells we propose to include the option for estimation and application should be optional depending on the decision of Member State.</p>
5. By ... [48 months from the date of entry into force of this Regulation] and by 30 March		HU supports PRES text.

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<p>31 May every year thereafter, undertakings established in the Union shall submit a report to the competent authorities <u>of the Member State where the asset is located</u> containing direct measurements of source-level methane emissions for non- operated assets as set out in paragraph 4, <u>provided these have not already been reported by an operator in response to the obligation under paragraph 3</u> complemented by measurements of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site.</p>		
<p>Before submission to the competent authorities, undertakings shall ensure that the reports set out in this paragraph are assessed by a verifier and include a verification statement issued in accordance with Articles 8 and 9.</p>		

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Presidency compromise text	Drafting Suggestions	Comments
6. The reports provided for in this Article shall cover the last available calendar year period and include at least the following information:		
(a) emission source type and location;		
(b) data per detailed, <i>individual</i> , emission source type;		HU support PRES text.
(c) detailed information on the quantification methodologies <i>employed to measure methane emissions</i> ;		HU support PRES text.
(d) all methane emissions for operated assets;		
(e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership;	(e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership;	HU supports DE proposal

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(f) a list of the entities with operational control of the non-operated assets.	(f) a list of the entities with operational control of the non-operated assets.	HU supports DE proposal
The Commission shall, by means of implementing acts, lay down a reporting template for the reports under paragraphs 2, 3, 4 and 5 <u>taking into account the national inventory reports already in place.</u> Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2). <u>Until the adoption of the relevant implementing acts, operators shall use the reporting templates of the Oil and Gas Methane Partnership 2.0, for upstream and for mid and downstream operations, as applicable.</u>		OK.

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7. For site-level measurements referred to in paragraphs 3 and 5, appropriate quantification best available technologies shall be used which can provide such measurements .	7. For site-level measurements referred to in paragraphs 3 and 5, appropriate quantification best available technologies shall be used which can provide such measurements .	HU maintains the position, that para 7 should be deleted. Site-level quantification has a comparatively (relative to source-level) low technology readiness level. There are currently no mature and proven top-down technologies available for accurate quantification of methane emissions on a "site-level" in the upstream, midstream and downstream, hence, the comparison between "source-level" and "site-level" measurements is not yet possible. The technique for site level measurements are insufficiently developed onshore and offshore so it is not expected that reliable results will follow. To be deleted (see paragraph 3)
8. In the case of significant discrepancies between the emissions quantified using source-level methods and those resulting from site-level		HU supports PRES proposal.

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measurement, additional measurements shall be carried out within the same reporting period. <u>operators shall provide justification for the discrepancy. Where the discrepancy is not due to the uncertainty of the quantification technology used, competent authorities may request an additional measurement within the same reporting period.</u>		
9. Methane emissions measurements or quantification for gas infrastructure shall be conducted according to appropriate European (CEN) or international (ISO) standards for methane emissions quantification.		OK.
10. Where information is kept confidential		

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in accordance with Directive (EU) 2016/943 of the European Parliament and of the Council ³³ , operators shall indicate in the report the type of information that has been withheld and the reason thereof.		
11. The competent authorities shall make the reports set out in this Article available to the public and the Commission, within three months from submission by operators and in accordance with Article 5(4).		See comment on Article 5.4.
Article 13		
General mitigation obligation		
Operators shall take all appropriate <u>mitigation</u>		HU supports PRES proposal.

33 Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016)

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measures available to them to prevent and minimise methane emissions in their operations.		
Article 14		
Leak detection and repair		
1. By ... [36 months from the date of entry into force of this Regulation], operators shall submit a leak detection and repair programme to the competent authorities which shall detail the contents of the surveys to be carried out in accordance with -the requirements in this Article.		Acceptable.
The competent authorities may require the operator to amend the programme taking into account the requirements of this Regulation.	The competent authorities may require the operator to amend the programme taking into account the requirements of this Regulation. LDAR surveys shall take into account in	HU supports CZ proposal: For the frequency of surveys and the measures to be taken, the LDAR programme shall be based on asset specific assessments and

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	particular the individual elements of the infrastructure, their technical condition and the materials used. Member States shall set the repeating of LDAR surveys at the level of legal or technical regulations.	assessments of their leaking potential, and is subject to approval by the competent authority in order to take into account the sector and site specificities and properly prioritise properly the detection campaigns in order to achieve the best efficiency.
2. By ... [6 12 months from the date of entry into force of this Regulation], operators shall carry out a survey of all relevant components under their responsibility in accordance with the leak detection and repair programme referred in paragraph 1.	2. By ... [6 12 months from the date of entry into force of this Regulation], operators shall carry out the surveys of all relevant components under their responsibility in accordance with the approved leak detection and repair programme referred in paragraph 1.	HU supports PRES modification on deadline, but also maintain proposal in order not to detail components under the repair programme.
Thereafter, leak detection and repair surveys shall be repeated every [three months]. <u>In lieu of, or in combination with leak detection and repair surveys, operators may use continuous</u>		HU supports PRES proposal.

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<u>monitoring systems, provided the competent authorities approve its use in the context of the leak detection and repair programme referred to in paragraph 1 and in accordance with the elements set out in Part 1 of Annex I.</u>		
3. In carrying out the <u>periodic</u> surveys <u>or in using a continuous monitoring system</u> , operators shall use <u>measuring</u> devices that allow detection of loss of methane from components <u>with a minimum detection limit</u> of 500 parts per million <u>[3/10] kg/h or [4200/10] l/h of methane at standard temperature and pressure or more, or any visible emission from a fugitive emissions component observed using optical gas imaging, in compliance with the manufacturer specifications for operation and maintenance.</u>		HU supports PRES proposal.
4. Operators shall repair or replace all		HU supports PRES approach.

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components found to be emitting 500 parts per million [3] kg/h or [4200] l/h or more of methane <u>at standard temperature and pressure.</u>		
The repair or replacement of the components referred to in the first subparagraph shall take place immediately after detection, or as soon as possible thereafter but no later than five days for a first attempt and 30 days for a complete repair , after detection, provided operators can demonstrate that safety or technical considerations do not allow immediate action and provided operators establish a repair and monitoring schedule.	<p>A) The repair or replacement of the components referred to in the first subparagraph shall take place immediately after detection, or as soon as possible thereafter but no later than five 30 days after detection, provided operators can demonstrate that safety, administrative or technical considerations do not allow immediate action. and provided operators establish a repair and monitoring schedule.</p> <p>B) The repair or replacement of the components referred to in the first subparagraph shall take place immediately after detection, or as soon as possible thereafter considering the risk factor</p>	<p>HU supports NL proposal.</p> <p>The time limit of 5 days for repair is not feasible in all cases. For example underground leaks in busy urban roads in particular require significantly longer time due to the need to demarcate other networks and transport measures. Also the weather conditions must be considered, especially during the winter months it might be more complicated to repair the leak.</p> <p>During LDAR surveys, leaks are repaired on site whenever possible. For repairs which require orders and/or a shutdown, a limit of 5 days is not logistically feasible (especially offshore). For example, it does not take into</p>

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	<p>but no later than five days after detection, if repair or replacement will not be achieved immediately, operators shall provided operators can within five days demonstrate that safety, practical or technical considerations do not allow immediate action and provided operators establish a repair and monitoring schedule.</p>	<p>account the complexity of installations, the impact of shutting down gas production in order to carry out repairs, detection of leaks in difficult to access locations where repairs can only be carried out using scaffoldings.</p>
<p>Safety and technical considerations that do not allow immediate action, as referred to in the second subparagraph, shall be limited to taking into account safety to personnel and humans in proximity, <u>scheduled maintenance</u>, environmental impacts, significant deterioration of the gas supply situation</p>		<p>HU supports PRES proposal.</p>

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likely to lead to a situation as established in Article 11(1) of Regulation (EU) 2017/1938 ³⁴ , permitting processes requirement, concentration of methane loss, accessibility to component, availability of replacement of the component. Environmental impact considerations may include instances whereby repair could lead to a higher level of methane emissions than in the absence of the repair.		
Where a system shutdown is required before the repair or replacement can be undertaken, operators shall <u>attempt to</u> minimise the leak within one day of detection and shall repair the leak by the end of the next scheduled system shutdown or within a year, whichever is sooner, <u>unless carrying out an earlier repair would</u>		HU supports PRES approach.

34 Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1–56)

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<p><u>lead to a worse environmental outcome in terms of emissions, that is a situation where the amount of methane inevitably vented during repair operations would be higher than the amount of methane that would leak in the absence of a repair. Such action shall be included in the repair and monitoring schedule set out in Part 2 of Annex I and shall be approved by the competent authorities.</u></p>		
<p>5. Notwithstanding paragraph 2, operators shall survey components that were found to be emitting:</p>		HU supports PRES approach.
<p>a. 500 parts per million <u>[3] kg/h or [4200] l/h</u> or more of methane <u>at standard temperature and pressure</u> during any of the previous surveys as soon as possible after the repair carried out pursuant to paragraph 4, and no later</p>		

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than 15 days thereafter two months thereafter to ensure that the repair was successful; and-		
b. Notwithstanding paragraph 2, operators shall survey components that were found to be emitting below 500 parts per million [3] kg/h or [4200] l/h of methane at standard temperature and pressure , no later than three months after the emissions were detected, to check whether the size of loss of methane has changed.		HU supports PRES approach.
Where a higher risk to safety or a higher risk of methane losses is identified, the competent authorities may recommend that surveys of the relevant components take place more frequently.		
6. Without prejudice to the reporting obligations pursuant to paragraph 7, operators shall record all identified leaks, irrespective of their size, and shall continually periodically	6. Without prejudice to the reporting obligations pursuant to paragraph 7, operators shall record all identified relevant leaks, irrespective of their size, and shall regularly	Hungary supports DE proposal, but also flexible to CZ, NL proposal and deletion. First sentence should be fully removed, as this provision counteracts with paragraphs 5 and 7:

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survey them to and ensure that they are repaired in accordance with paragraph 4.	continually periodically survey them to and ensure that they are repaired in accordance with paragraph 4.	reporting is covered in paragraph 7 while paragraph 6 recover surveys obligations already mentioned in paragraph 5 to a continuous survey obligation.
Operators shall keep the record for at least ten years and shall provide that information to competent authorities upon their request.		
7. Within one three months after each survey, <u>or every three months if using a continuous monitoring system</u> , operators shall submit a report with the results of the surveys summarizing the leaks that could not be repaired and the corresponding and a repair and monitoring schedule to the competent authorities of the Member State where the relevant assets are located. The report shall include at least the elements set out in <u>Part 2 of Annex I.</u>	Within one year -months after each survey, <u>or every three months if using a continuous monitoring system</u> , operators shall submit a report with the results of the surveys summarizing the leaks that could not be repaired and the corresponding and a repair and monitoring schedule to the competent authorities of the Member State where the relevant assets are located. The report shall include at least the elements set out in <u>Part 2 of Annex I.</u>	We maintain that report to be submitted on an annual basis in accordance with Articles 14.2 and 16. LDAR survey is a continuous process. Sending to competent authority a report every three months is extra administrative burden without operational added value. A yearly report is a good compromise to follow LDAR survey regularly.

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The competent authorities may require the operator to amend the report or the repair and monitoring schedule taking into account the requirements of this Regulation.		
8. Operators may delegate any of the tasks set out in this Article. Delegated tasks shall not affect the responsibility of operators and shall not impact the effectiveness of supervision by the competent authorities.		
9. Member States shall ensure that certification, accreditation schemes or equivalent qualification schemes, including suitable training programmes, are available for service providers <u>and for operators</u> with respect to the surveys.		The provision structurally belongs to Article 8, we propose to remove it.

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Presidency compromise text	Drafting Suggestions	Comments
<u>10. The Commission [may/shall] issue a mandate to the European standardisation body concerned to establish technical specifications, European standards or harmonised European standards on leak detection and repair instruments and methodologies.</u>		OK.
<u>Harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in this Article.</u>		
Article 15		
Limits to venting and flaring		
1. Venting shall be prohibited except in the		We support the genaral goal with the proposed

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Presidency compromise text	Drafting Suggestions	Comments
circumstances provided for this Article. Routine flaring shall be prohibited.		exceptions. We are flexible to implement this provision with a later deadline, from 2030. Also support DE comment.
2. Venting <u>and flaring</u> shall only be allowed in the following situations:		HU supports PRES proposal.
(a) in case of an emergency or malfunction; and		
(b) where unavoidable and strictly necessary for the operation, <u>construction</u> , repair, maintenance, <u>decommissioning</u> or testing of components or equipment and subject to the reporting obligations set out in Article 16.		HU supports addition.
3. Venting <u>and flaring</u> under point (b) of paragraph 2 shall include the following specific situations where venting <u>or flaring, as applicable</u> , cannot be completely eliminated:		HU supports addition.

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(a) during normal operations of certain components <u>including but not limited to pneumatic controllers, sampling for measurement devices and dry gas seals,</u> provided that the equipment meets all the specified equipment standards and it is properly maintained and regularly inspected to minimise methane losses;		HU supports addition.
(b) to unload or clean-up liquid holdup in a well to atmospheric pressure;		
(c) during gauging or sampling a storage tank or other low-pressure vessel;		
(d) during loading out liquids from a storage tank or other low-pressure vessel to a transport vehicle in compliance with applicable standards;		

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(e) during repair, and maintenance and decommissioning , including blowing down and depressurizing equipment to perform repair and maintenance;		OK.
(f) during a bradenhead test;		
(g) during a packer leakage test;		
(h) during a production test lasting less than 24 hours;		
(i) where methane does not meet the gathering pipeline specifications, provided the operator analyses methane samples twice per week to determine whether the specifications have been achieved and routes the methane into a gathering pipeline as soon as the pipeline		

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specifications are met;		
(j) during commissioning of pipelines, equipment or facilities, only for as long as necessary to purge introduced impurities from the pipeline or equipment;		
(k) during pigging, blow-down to repair, decommissioning or purging a gathering pipeline for repair or maintenance, and only where the gas cannot be contained or redirected into an unaffected portion of the pipeline.		HU supports DE additions to the text.
	l) during work on a borehole/well during surveys or safety test ; m) during work for well (re-) completions; n) for the operation of a hydraulic workover unit at a borehole; o) for safeguarding hazardous areas for test- and safety reasons; p) for elimination work of gas hydrate plugging q) and in all justified situations to be reported to and agreed by the competent	

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Presidency compromise text	Drafting Suggestions	Comments
	authority.	
4. Where venting is allowed pursuant to paragraphs 2 and 3, operators shall vent only where flaring is not technically feasible or risks endangering safety of operations or personnel. In such a situation, as part of the reporting obligations set out in Article 16, operators shall demonstrate to the competent authorities the necessity to opt for venting instead of flaring.		
5. Flaring shall only be allowed where either re-injection, utilisation on-site or dispatch of the methane to a market are not feasible for reasons other than economic considerations. In such a situation, as part of the reporting obligations set out in Article 16, operators shall demonstrate to the competent authorities the necessity to opt for flaring instead of either re-injection, utilisation on-site or dispatch of the methane to a market.	Flaring shall only be allowed where either re-injection, utilisation on-site or dispatch of the methane to a market are not feasible for reasons other than economic considerations. In such a situation, as part of the reporting obligations set out in Article 16, operators shall demonstrate to the competent authorities the necessity to opt for flaring instead of either re-injection, utilisation on-site or dispatch of the methane to a market. Methane emission from flaring activity has to be	World Bank launched in 2015 “zero routine flaring” initiative and the deadline to fulfil this requirement is 2030, the majority of oil and gas companies are joined to this initiative and prepared for fulfilling the requirements till 2030. Shorter deadline will cause serious technical, project execution issue for the industry. Domestic production and security of supply aspects has to be respected in current situation

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	eliminated till 2030.”	over short term zero flaring goals.
Article 16		
Reporting of venting and flaring events		
1. Operators shall notify the competent authorities of venting and flaring events:		
(a) caused by an emergency or a malfunction; or		
(b) lasting a total of 8 hours or more within a 24 hour period from a single event, <u>excluding controlled flaring that occurs during shutdowns, which shall be reported in the annual report.</u>	(b) lasting a total of 8 hours or more within a 24 hour period from a single event, <u>excluding controlled flaring that occurs during shutdowns, which shall be reported in the annual report.</u>	HU partially support PRES proposal. We are also flexible to delete pont b).
The notification referred to in the first subparagraph shall be made without delay after		

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the event and at the latest within 48 hours from the start of the event or the moment the operator became aware of it, <u>in accordance with the elements set out in Annex II.</u>		
2. Operators shall submit to the competent authorities quarterly reports of all venting and flaring referred to in paragraph 1 and in Article 15 in accordance with the elements set out in Annex II. information on all venting and flaring referred to in paragraph 1 and in Article 15 in accordance with the elements set out in Annex II, as part of each report referred to in Article 12.		HU supports PRES proposal on annual reporting in line with Art. 12.
3. The competent authorities shall make the reports set out in this Article available to the public and the Commission annually and in accordance with Article 5(4).		HU supports deletion.

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Presidency compromise text	Drafting Suggestions	Comments
Article 17		
Requirements for flaring standards		
1. Where a site facility is built, replaced or refurbished in whole or in part , or where new flare stacks or other combustion devices are installed, operators shall install only only combustion devices with an auto-igniter or continuous pilot and at least 98% a complete destruction destruction and removal efficiency for hydrocarbons.		HU Scrutiny reserve.
2. Operators shall ensure that all flare stacks or other combustion devices <u>used in normal operations</u> comply with the requirements of paragraph 1 by ... [182 months <i>from the date of entry into force of this Regulation</i>].	Operators shall ensure that all flare stacks or other combustion devices <u>used in normal operations</u> comply with the requirements of paragraph 1 by ... 2030	We maintain to consider the provisions too strict, we propose to change the deadline to 2030.

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Presidency compromise text	Drafting Suggestions	Comments
3. Operators shall conduct weekly monthly inspections of flare stacks in accordance with the elements set out in Annex III, <u>except- for flares that are not used in normal operations, which operators shall inspect before each use.</u>		HU supports PRES proposal.
<u>In alternative to monthly inspections of a flare stack, operators may use continuous monitoring devices on that flare stack, in accordance with the elements set out in Annex III.</u>		
4. <u>Where auto-igniters or continuous pilots are used, flame supervision equipment shall be used to continuously monitor the main flare flame or the pilot flame to ensure that venting does not occur due to a flame-out condition..</u>		HU - Scrutiny reserve

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Presidency compromise text	Drafting Suggestions	Comments
Article 18		
<u>Inactive wells, temporarily plugged wells and permanently plugged and abandoned wells</u>		HU supports DE comment: to consider if for orderly permanent plugged wells and backfilled/sealed mining sites some obligations of the proposal should be adjusted or exempted (e. g. time frame, necessity and frequencies of inspections and measurement).
1. By ... [12 months from the date of entry into force of this Regulation], Member States shall establish and make publicly available an inventory of all inactive wells, <u>temporarily plugged wells and permanently plugged and abandoned wells</u> on their territory or under their jurisdiction, including at least the elements set out in <u>Part 1 of</u> Annex IV.	1. By ... [12 18 months from the date of entry into force of this Regulation], Member States shall establish and make publicly available an inventory of all inactive wells on their territory or under their jurisdiction, including at least the elements set out in Annex IV.	We maintain our proposal on a longer deadline since corporate reporting obligation shall be set and implemented in order to establish the inventory.
2. By ... [18 months of the date of entry into force of this Regulation], equipment		HU supports deletion.

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for measurement of methane emissions shall be installed on all inactive wells.		
<u>Where five subsequent measurements [at yearly intervals] of inactive wells prove no methane emissions, they shall be considered emission free and no further quantifications and reports will be required.</u>		
32. Reports containing the information on measurements or quantification of methane emissions from all inactive wells and temporarily plugged wells referred to in paragraph 2 shall be submitted to the competent authorities by ... [24 months of the date of entry into force of this Regulation] and by 30 March 31 May every year thereafter and cover the last available calendar year.		HU supports new approach with some modifications.
<u>The reports set out in this Article shall</u>		

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<u>include methane emissions to air and to water, as applicable. Where operators or Member States report methane emissions to water within the framework of international or regional agreements to which the Union or the relevant Member State is a party, the reports set out in this Article may include the information reported thereunder.</u>		
<u>3. Where [five] consecutive measurements of methane emissions from an onshore temporarily plugged well, at yearly intervals, prove no methane emissions, this paragraph shall cease to apply to that well.</u>		We support the approach, but propose 3 consecutive measurements in order to avoid unnecessary administrative and financial burden.
<u>Where [two] consecutive measurements of methane emissions from an offshore temporarily plugged well, every two years, prove no methane emissions, this paragraph shall cease to apply to that well.</u>		

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4. <u>Where an inactive well or a temporarily plugged well becomes a permanently plugged and abandoned well as defined in this Regulation, this paragraph shall cease to apply to it, unless, a third party provides the competent authorities with reliable evidence of material emissions in such well. In such case, the obligations set out in this Article for temporarily plugged wells shall apply to that well.</u>		HU supports this approach.
5. Before submission to the competent authorities, the The reports set out in this paragraph Article shall be assessed by a verifier and include a verification statement issued in accordance with Articles 8 and 9.		
46. The competent authorities shall make the reports set out in this Article available to the	The competent authorities shall make the reports set out in this Article available to the public and	We propose deletion, it is repeating the provision of Article 5(4).

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Presidency compromise text	Drafting Suggestions	Comments
public and the Commission, within three months from submission by operators and in accordance with Article 5(4).	the Commission, within three months from submission by operators and in accordance with Article 5(4).	<u>OR</u> The text should refer only to Article 5(4).
57. Member States shall be responsible for fulfilling the obligations laid down in paragraphs 2 and 3 <u>to 4</u> , except where a responsible party can be identified <u>and can provide adequate financial assurance to fulfil those obligations</u> , in which case that party shall bear responsibility.		OK.
68. <u>By ... [24 months from the date of entry into force of this Regulation]</u> , Member States shall develop and implement a mitigation plan to remediate, reclaim and permanently plug inactive wells <u>and temporarily plugged wells</u> located in their territory <u>including at least the elements set out in Part 2 of Annex IV and setting out an implementation period starting</u>		HU supports PRES approach.

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<u>no later than 12 months after the first reports referred to in paragraph 2.</u>		
Mitigation plans shall use the inventories referred to in paragraph 1 <u>and the reports referred to in paragraph 2</u> to determine priority for activities including:		HU supports addition.
(a) remediating, reclaiming and permanently plugging wells;		
(b) reclaiming related access roads <u>or the surrounding soil under water, as applicable;</u>		Addition ok.
(c) restoring land, water, seabed and habitat impacted by wells and the prior operations;		Addition ok.
(d) yearly <u>regular</u> checks to ensure plugged wells <u>temporarily plugged wells and, where</u>		OK.

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<u>deemed applicable, permanently plugged and abandoned wells</u> are not longer a source of methane emissions.		
Chapter 4		HU support DE comment: especially regarding lignite surface mining we propose to examine if the current draft of this regulation provides the adequate framework and instruments because lignite surface mines could show emissions to be low and at the limits of detection. Maybe an alignment with other instruments such as emission factors according to national reports for UN FCCC could be considered.
Methane emissions in the coal sector		
Section I		
Monitoring and reporting in operating mines		

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Presidency compromise text	Drafting Suggestions	Comments
Article 19		We propose to alleviate the provisions taking into account Member States's plans for phasing-out coal. Introducing resource and cost intensive provisions are unnecessary and unjustified.
Scope		
1. This Section applies to operating underground and surface coal mines.		
2. Methane emissions from operating underground coal mines include the following emissions:		
(a) methane emissions from all ventilation shafts in use by the mine operator;		
(b) methane emissions from drainage		

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stations and from the methane drainage system, whether occurring as a result of intentional or unintentional venting, or incomplete combustion in flares;		
(c) methane emissions occurring during post-mining activities <u>and within the area of the mine.</u>		
3. Methane emissions from operating surface coal mines include the following emissions:		
(a) methane emissions occurring at the coal mine during the mining process;		
(b) methane emissions occurring during post-mining activities.		

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Presidency compromise text	Drafting Suggestions	Comments
Article 20		
Monitoring and reporting		
<p>1. For underground coal mines, mine operators shall perform continuous ventilation air methane emissions source level direct measurement or and quantification on all exhaust ventilation shafts used by the mine <u>Mine operators shall report to the competent authorities methane releases per ventilation shaft per year in kt of methane, using equipment and methodologies resulting in a measurement accuracy with a tolerance of ± 0.5 kt of methane</u> apparatus with a methane concentration sensitivity threshold of at least 100 parts per million. They shall also take monthly sample based source level measurements or quantification.</p>		Not applicable for HU.

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Presidency compromise text	Drafting Suggestions	Comments
2. Drainage stations operators shall perform continuous source level <u>direct</u> measurements or quantifications of volumes <u>total releases</u> of vented and flared methane, regardless of the reasons for such venting and flaring activity.		
3. As regards surface coal mines, mine operators shall use deposit-specific coal mine methane emission factors to quantify emissions resulting from mining operations. Mine operators shall establish those emission factors on a quarterly basis, in accordance with appropriate scientific standards and take into account methane emissions from surrounding strata.	3. As regards surface coal mines, mine operators shall use deposit-specific coal mine methane emission factors to quantify emissions resulting from mining operations. Mine operators shall establish those emission factors on an annual quarterly basis, in accordance with appropriate scientific standards. and take into account methane emissions from surrounding strata.	We propose to establish emission factors on annual basis. Taking into account methane emissions from surrounding strata would increase significantly the size of the measured area, we propose to delete this.
4. The measurements and quantification referred to in paragraphs 1 to 3 shall be undertaken in accordance with an appropriate		Addition is acceptable.

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European or international standards. <u>Until such standards become available, best practices established in the context of measurement campaigns co-funded by the Union or the United Nations Environmental Programme may also guide operators in performing source level measurements.</u>		
As regards continuous source level <u>direct</u> measurements or quantifications referred to in paragraphs 1 and 2, where part of the measuring equipment is not operating for a period, readings taken during periods when the equipment was operating may be used to estimate data on a pro rata basis for the period that the equipment was not operating.		Underground mine- not applicable to HU.
The equipment used for continuous source level <u>direct</u> measurements or quantifications referred to in paragraphs 1 and 2 shall operate		

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Presidency compromise text	Drafting Suggestions	Comments
for more than 90% of the period for which it is used to monitor an emission, excluding downtime taken for re-calibration.		
5. Mine operators shall estimate coal post-mining emissions using coal post-mining emission factors, updated annually, based on deposit-specific coal samples and in accordance with appropriate scientific standards.	5. Where relevant mine operators shall estimate coal post-mining emissions using coal post-mining emission factors, updated annually, based on deposit-specific coal samples and in accordance with appropriate scientific standards.	
6. By... [12 months from the date of entry into force of this Regulation] and by 30 March 31 May every year thereafter, mine operators and drainage station operators shall submit a report to the competent authorities containing yearly source-level methane emissions data in accordance with the provisions of this Article.		We propose to add the possibility to exempt from additional reporting and measurement obligations if Member States' measurements show that methane emissions are negligible in the first year and this is shown in verified report, in particular in the areas affected by coal phase-out.

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Presidency compromise text	Drafting Suggestions	Comments
The report shall cover the last available calendar year period and include the elements set out in Part 1 of Annex V for operating underground coal mines, Part 2 of Annex V for operating surface coal mines and Part 3 of Annex V for drainage stations.		
Before submission to the competent authorities, mine operators and drainage stations operators shall ensure that the reports set out in this paragraph are assessed by a verifier and include a verification statement issued in accordance with Articles 8 and 9.		
7. The competent authorities shall make the reports set out in this Article available to the public and the Commission, within three months from submission by operators and in accordance with Article 5(4).		See Article 5(4)

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Presidency compromise text	Drafting Suggestions	Comments
<i>Section II</i>		
MITIGATION OF METHANE EMISSIONS FROM OPERATING UNDERGROUND COAL MINES		
Article 21		Not applicable for HU.
Scope		
This Section applies to the methane emissions from underground coal mines referred to in Article 19(2).		
Article 22		
Mitigation measures		
1. Venting and flaring <u>with a destruction</u>		

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<u>and removal efficiency below 98% and venting</u> of methane from drainage stations shall be prohibited from [1 January 2025], except in the case of an emergency, a malfunction or where unavoidable and strictly necessary for maintenance. In such cases, drainage station operators shall vent only if flaring is not technically feasible or risks endangering safety of operations or personnel. In such a situation, as part of the reporting obligations set out in Article 23, drainage station operators shall demonstrate to the competent authorities the necessity to opt for venting instead of flaring.		
2. Venting of methane through ventilation shafts in coal mines emitting more than 0.5 3 tonnes of methane/kilotonne of coal mined, other than coking coal mines, shall be prohibited from 1 January 2027.		

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3. By ... [three <u>five</u> years from the date of entry into force of this Regulation] the Commission shall adopt a delegated act in accordance with Article 31 to supplement this Regulation by setting out restrictions on venting methane from ventilation shafts for coking coal mines.		
Article 23		
Reporting of venting and flaring events		
1. From [1 January 2025], drainage station operators shall notify the competent authorities of all venting <u>events</u> and flaring events <u>with a destruction and removal efficiency below 98%</u> :		
(a) caused by an emergency or a malfunction,		

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(b) occurring unavoidably due to maintenance of the drainage system.		
That notification shall be made without delay after the event and at the latest within 48 hours from the start of event or the moment the operator became aware of it, in accordance with the elements set out in Annex VI.		
2. The competent authorities shall make the information submitted to them pursuant to this Article available to the public and the Commission annually and in accordance with Article 5(4).		
<i>Section III</i>		
METHANE EMISSIONS FROM CLOSED AND		

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Presidency compromise text	Drafting Suggestions	Comments
ABANDONED UNDERGROUND COAL MINES		
Article 24		We do not count on the detection of significant methane leaks in the case of closed underground coal mines.
Scope		
This Section applies to the following methane emissions from <u>closed and</u> abandoned and closed underground coal mines where coal production has been discontinued:		
(a) methane emissions from all ventilation shafts which continue emitting methane;		
(b) methane emissions from coal mining equipment, use of which has been discontinued;		

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(c) methane emissions from other well-defined point emission sources as outlined in Part 1 of Annex VII.	(c) methane emissions from other well-defined point emission sources as outlined in Part 1 of Annex VII.	This would mean unidentifiable geographical scope and legal uncertainty, so we propose to delete point c).
Article 25		
Monitoring and reporting		
1. By ... <i>[12 months from the date of entry into force of this Regulation]</i> Member States shall set up and make publicly available an inventory of all closed coal mines and abandoned underground coal mines in their territory or under their jurisdiction , in accordance with the methodology and including at least the elements set out in Part 1 of Annex VII.		Clarification is needed as to what period of time (retroactively 50 years?) the inventory should apply.
2. <u>From ... [18 24 months from the date</u>	2. From ... [18 months from the date of entry	In our view, the proposed provisions are

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<p><u>of entry into force of this Regulation],</u> <u>methane emissions shall be measured in all</u> <u>closed and abandoned underground coal</u> <u>mines where operations have ceased since ...</u> <u>[50 years prior to the date of entry into force of</u> <u>this Regulation].</u> mMeasurement equipment <u>shall be installed on all elements listed in</u> <u>point (v) of Part 1(v) of Annex VII which</u> <u>were found to emit above 0,5 tonnes of</u> <u>methane per year based on the inventory in</u> <u>Paragraph 1. for closed coal mines and</u> <u>abandoned coal mines where operations have</u> <u>ceased since ... [50 years prior to the date of</u> <u>entry into force of this Regulation].</u></p>	<p>into force of this Regulation], measurement equipment shall be installed on all elements listed in point (v) of Part 1 of Annex VII for closed coal mines and abandoned coal mines where operations have ceased since ... [50 years prior to the date of entry into force of this Regulation].</p>	<p>disproportionate and unjustified in relation to the expected emission reductions. We propose to delete the provision or to lay down a general framework for measurement.</p> <p>As a compromise, we can accept a solution where the measurement of methane leaks of registered, former methane-risked mines is carried out for one or two years (not all elements and not in 90 % of the time) and where it does not measure any substantial leakage, the mine is declared free of emissions. There should be no additional reporting obligation.</p>
<p><u>The equipment shall perform</u>Methane <u>concentration source level</u> <u>direct</u> measurements</p>	<p>Methane concentration measurements shall be taken in accordance with appropriate scientific</p>	<p>Scrutiny reserve for the equipment description.</p>

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<p>or quantifications shall be taken in accordance with appropriate scientific standards and at least on an hourly basis <u>and of sufficient quality to allow for a representative estimation of yearly methane emissions</u> from all elements listed in part 1(vi) of Annex VII which were found to emit methane.</p>	<p>standards and at least on an hourly basis from all elements listed in part 1(vi) of Annex VII which were found to emit methane</p>	
<p><u>The measurement equipment must operate for more than 90% of the period for which it is used to monitor the emissions, excluding downtime taken for re-calibration.</u></p>		
<p><u>2a. If the observed annual methane release of an element listed in part 1(v) of Annex VII is below 1 tonne of methane for six consecutive years in the case of flooded mines or twelve consecutive years in the case of dry mines, no further monitoring and reporting shall be taken for that specific</u></p>		<p>Support the possibility to end monitoring and reporting, but 6-12 yers period is too long. We propose shorter period of 3 years.</p>

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<u>element.</u>		
3. Reports containing estimates of yearly source-level methane emissions data shall be submitted to the competent authorities by ... [24 months of the date of entry into force of this Regulation] and by 30 March 31 May every year thereafter.		
The reports shall cover the last available calendar year and include the elements set out in Part 23 of Annex VII.		
Before submission to the competent authorities, the reports set out in this paragraph shall be assessed by a verifier and include a verification statement issued in accordance with Articles 8 and 9.		

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4. Mine operators shall be responsible for the requirements referred to in paragraphs 2 and 3 as regards closed mines. Member States shall be responsible for the requirements referred to in paragraphs 2 and 3 as regards abandoned mines.		
5. The competent authorities shall make the reports set out in this Article available to the public and the Commission, within three months from submission by operators and in accordance with Article 5(4).		
Article 26		
Mitigation measures		
1. On the basis of the inventory referred to in Article 25, Member States shall develop and	1. If measurements under Article 25 have shown a significant methane leak, which can be	We propose to add the condition that if measurements under Article 25 have shown a

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implement a mitigation plan to address methane emissions from closed and abandoned <u>underground</u> coal mines <u>where operations have ceased since 50 years.</u>	eliminated in a cost-effective manner, on the basis of the inventory referred to in Article 25, Member States shall develop and implement a mitigation plan to address methane emissions from abandoned coal mines.	significant methane leak, which can be eliminated in a cost-effective manner.
The mitigation plan shall be submitted to competent authorities by ... [36 months from the date of entry into force of this Regulation] and include at least the elements set out in Part 3 4 of Annex VII.		
2. Venting and flaring from equipment referred to in Article 25(2) shall be prohibited from 1 January 2030, unless utilisation or mitigation is not technically feasible or risks endangering environmental safety or safety of operations or personnel. In such a situation, as part of the reporting obligations set out in Article 25, mine operators or Member States		

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shall demonstrate the necessity to opt for venting or flaring instead of utilisation or mitigation.		
Chapter 5		
Methane emissions occurring outside the Union		
Article 27	Article 27 is to be deleted	<p>We do not support the proposals on importer requirements.</p> <p>The reporting obligation for oil and gas importers set out in Annex VIII may encounter difficulties in case of import sources where the regulatory environment is different from the EU regulation, and the importer is therefore unable to access the necessary information on the exporter and the producer. Therefore, it is recommended that the Union shall obtain the necessary data through bilateral contacts.</p>

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Presidency compromise text	Drafting Suggestions	Comments
Importer requirements		
1. By ... [9 months from the date of entry into force of the Regulation] and by 31 December every year thereafter, importers shall provide the information set out in Annex VIII to the competent authorities of the importing Member State.		EU Member States import between 80 % and 90 % of their oil and gas needs. Producer third countries are not covered by EU law, including the obligation to measure and report methane emissions. The data reporting obligation would be difficult in case of import sources where the legal environment is different from the EU legal environment and where the importer cannot obtain the necessary information. It is proposed that the EU obtains the necessary data on the basis of bilateral agreements.
The Commission shall be empowered to adopt delegated acts in accordance with Article 31 to supplement this Regulation by amending or adding to the information to be provided by importers.		

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2. By ... [12 months from the date of entry into force of the Regulation] and by 30 June every year thereafter, Member States shall submit to the Commission the information provided to them by importers.	2. By ... [12 months from the date of entry into force of the Regulation] and by 30 June every year thereafter, Member States shall submit to the Commission the information provided to them by importers.	We propose to delete paragraph (2). <u>OR</u> It should be voluntary for Member States.
The Commission shall make the information available in accordance with Article 28.		
3. By 31 December 2025, or earlier if the Commission considers that sufficient evidence is available, the Commission shall examine the application of this Article, considering in particular:	3. By 31 December 2025 2030, or earlier if the Commission considers that sufficient evidence is available, the Commission shall examine the application of this Article, considering in particular:	Revision in 2025 is too early. With adoption and entry into force in 2023, some reporting results will be available for the first time in 2025. We propose to extend the review date to 2030 and move the provision to Article 33.
(a) reporting of the available methane emissions data collected in the context of the global methane monitoring tool referred to in		

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Article 29;		
(b) methane emission data analysis by the IMEO;		
(c) information on monitoring, reporting, verification and mitigation measures of operators located outside of the Union and from whom energy is imported into the Union; and		
(d) security of supply and the level playing field implications in case of possible additional obligations, including mandatory measures such as methane emission standards or targets, taking into account the oil, gas and coal sectors separately.		
Where appropriate and based on the necessary evidence to secure full compliance with the		Clarification is necessary why the term quantification was deleted.

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applicable international obligations of the Union, the Commission shall propose amendments to this Regulation to strengthen the requirements applicable to importers with the view to ensure a comparable level of effectiveness with respect to measurement- or quantification , reporting and verification and mitigation of energy sector methane emissions.		
Article 28		
Methane transparency database		
1. By ... [18 months after the date of entry into force of the Regulation] the Commission shall establish and maintain a methane transparency database containing the information submitted to it pursuant to Article 27 and Articles 12(11), 16(3), 18(4), 20(7), 23(2) and 25(5).		

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2. In addition to the information referred to in paragraph 1, the database shall include the following information:		
(a) a list of countries where fossil energy is produced and exported to the Union;	(a) — a list of countries where fossil energy is produced and exported to the Union;	See Article 27
(b) for each country referred in point (a) information about the following points:	(b) — for each country referred in point (a) information about the following points:	See Article 27
(i) whether it has mandatory regulatory measures in place on energy sector methane emissions, covering the elements set out in this Regulation regarding measurement or quantification , reporting and verification and mitigation of energy sector methane emissions;		Clarification is necessary why the term quantification was deleted.
(ii) whether it has signed the Paris Agreement		

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on climate change;		
(iii) whether it is delivering national inventories in accordance with the requirements of the United Nations Framework Convention on Climate Change, where applicable;		
(iv) whether the national inventories submitted pursuant to the United Nations Framework Convention on Climate Change include tier 3 reporting of energy methane emissions, where applicable;		
(v) the amount of energy sector methane emissions according to the national inventories submitted pursuant to the United Nations Framework Convention on Climate Change, where applicable, and whether the data was subject to independent verification.		

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(vi) the list of companies exporting fossil energy into the Union		
(vii) a list of importers of fossil energy into the Union		
23. The transparency database shall be available to the public online, free of charge and at least in English.		
34. This Article shall apply without prejudice to the provisions of Directive (EU) 2016/943.		
Article 29		
Methane emitters global monitoring tool		

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1. By ... [<i>two years after the date of entry into force of the Regulation</i>], the Commission shall establish a global methane monitoring tool based on satellite data and input from several certified data providers and services, including the Copernicus component of the EU Space Programme.		
The tool shall be made available to the public and provide regular updates at least on the magnitude, recurrence and location of high methane-emitting sources of energy.		
2. The tool shall inform the Commission's bilateral dialogues with respect to methane emissions policies and measures. Where the tool identifies a new major emission source, the Commission shall alert the relevant country with a view to promoting awareness and remedial actions.		It should be clarified whether the relevant country means an EU member states or a third country.

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3. This Article shall be subject to the provisions of Directive (EU) 2016/943.		
Chapter 6		
Final provisions		
Article 30		
Penalties		
1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented.		
2. The penalties provided for must be		

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effective, proportionate and dissuasive and may include:		
(a) fines proportionate to the environmental damage, calculating the level of such fines in such way as to make sure that they effectively deprive those responsible of the economic benefits derived from their infringements and gradually increasing the level of such fines for repeated serious infringements;		
(b) periodic penalty payments to compel operators to put an end to an infringement, comply with a decision ordering remedial actions or corrective measures, supply information or submit to an inspection, as applicable.		
Member States shall notify the rules on penalties to the Commission by [3 12 months		HU supports PRES text.

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<i>from the date of entry into force of the Regulation</i>]. In addition, Member States shall notify any subsequent amendment affecting such rules to the Commission without delay.		
3. At least the following infringements shall be subject to penalties:	3. At least the following infringements shall be subject to penalties:	We propose to delete paragraph (3). We consider the proposed provision to be unreasonably detailed and we propose to delete it. Instead, the application of the general rule in Article 30 (1) for non-compliance with the Regulation is sufficient.
(a) failure of operators or mine operators to provide the competent authorities or the verifiers with the assistance necessary to enable or facilitate the performance of their tasks in accordance with this Regulation;		
(b) failure of operators or mine operators to carry out the actions set out in the inspections		

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report referred to in Article 6;		
(c) failure of operators of mine operators to submit the methane emissions reports as required by this Regulation, including the verification statement issued by independent verifiers in accordance with Articles 8 and 9;		
(d) failure of operators to carry out a leak detection and repair survey in accordance with Article 14;		
(e) failure of operators to repair or replace components, to continuous survey components and to record leaks in accordance with Article 14;		
(f) failure of operators to submit a report in accordance with Article 14;		

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(g) venting or flaring by operators or mine operators beyond the situations provided for in Articles 15, 22 and 26, as applicable;		
(h) routine flaring by operators;		
(i) failure of operators or mine operators to demonstrate the necessity to opt for venting instead of flaring and to demonstrate the necessity to opt for flaring instead of either re-injection, utilisation on-site or dispatch of the methane to a market, in the case of operators, or utilisation or mitigation, in the case of mine operators, in accordance with Articles 15, 22 and 26;		
(j) failure of operators or mine operators to notify or report on venting and flaring events in		

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accordance with Articles 16, 23 and 26, as applicable;		
(k) use of flare stacks or combustion devices in breach of the requirements laid down in Article 17;		
(l) failure of importers to provide the information required in accordance with Article 27 and Annex VIII.		
4. Member States shall take into account at least the following indicative criteria for the imposition of penalties, as appropriate:	4. Member States shall take into account at least the following indicative criteria for the imposition of penalties, as appropriate:	We propose to delete paragraph (4). We consider the proposed provision to be unreasonably detailed and we propose to delete it. Instead, the application of the general rule in Article 30 (1) for non-compliance with the Regulation is sufficient.
(a) the duration or temporal effects, the		

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nature and the gravity of the infringement;		
(b) any action taken by the undertaking, operator or mine operator to timely mitigate or remedy the damage;		
(c) the intentional or negligent character of the infringement;		
(d) any previous infringements by the undertaking, operator or mine operator;		
(e) the financial benefits gained or losses avoided directly or indirectly by the undertaking, operator or mine operator due to the infringement, if the relevant data are available;		
(f) the size of the undertaking, operator or		

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mine operator;		
(g) the degree of cooperation with the authority;		
(h) the manner in which the infringement became known to the authority, in particular whether, and if so to what extent, the operator timely notified the infringement;		
(i) any other aggravating or mitigating factor applicable to the circumstances of the case.		
5. Member States shall publish annually information on the type and the size of the penalties imposed under this Regulation, the infringements and the operators upon which penalties have been imposed.	5. — Member States shall publish annually information on the type and the size of the penalties imposed under this Regulation, the infringements and the operators upon which penalties have been imposed.	The authorities' decisions on infringements are public, we do not support the introduction of a different provision that leads to an additional administrative burden, we propose to delete it.

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Presidency compromise text	Drafting Suggestions	Comments
Article 31		
Exercise of the delegation		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		
2. The power to adopt delegated acts referred to in Articles 8(5), 22(3) and 27(1) shall be conferred on the Commission for an indeterminate period of time from ... [<i>date of entry into force of the Regulation</i>].	2. The power to adopt delegated acts referred to in Articles 8(5), 22(3) and 27(1) shall be conferred on the Commission for five year-an indeterminate period of time from ... [<i>date of entry into force of the Regulation</i>].	According to the Regulation's objective, methane emissions in the energy sector will be reduced to zero by 2030. So we do not support the empowerment of the COM for an indeterminate period of time. We propose a period of 5 years. We also do not support the empowerment of the COM to adopt delegated acts referred to in Articles 8(5), and 27(1).
3. The delegation of power referred to in		

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Articles 8(5), 22(3) and 27(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.		
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		

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6. A delegated act adopted pursuant to Articles 8(5), 22(3) and 27(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		
Article 32		
Committee procedure		

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1. The Commission shall be assisted by the Energy Union Committee established by Article 44 of Regulation (EU) 2018/1999.		
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 33		
Review		
1. Every five years the Commission shall submit a report on the evaluation of this Regulation to the European Parliament and to the Council and shall, if appropriate, submit legislative proposals to amend this Regulation. The reports shall be made public.	1. In 2030 and thereafter every five years the Commission shall submit a report on the evaluation of this Regulation to the European Parliament and to the Council and shall, if appropriate, submit legislative proposals to amend this Regulation. The reports shall be made public.	We propose the first report to be submitted in 2030, the first information and results based on measurement, reporting and emission reduction provisions are expected in 2030.

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2. For the purpose of this Article, the Commission may request information from Member States and competent authorities and shall take into account notably the information provided by Member States in their integrated National Energy and Climate Plans, updates thereof and in their National Energy and Climate progress reports pursuant to Regulation (EU) 2018/1999.		
Article 34		
Amendments to Regulation (EU) 2019/942		
In Article 15 of Regulation (EU) 2019/942 of the European Parliament and of the Council the following paragraph 5 is added:		

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“5. Every three years ACER, after receiving input from Member States shall establish and make publicly available a set of indicators and corresponding reference values for the comparison of unit investment costs linked to measurement or quantification , reporting and abatement of methane emissions for comparable projects. It shall issue recommendations on indicators and reference values for unit investment costs for complying with the obligations under [<i>this Regulation</i>] pursuant to Article 3 of [<i>this Regulation</i>]”.		
Article 35		
Entry into force		
This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		

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Presidency compromise text	Drafting Suggestions	Comments
This Regulation shall be binding in its entirety and directly applicable in all Member States.		
Done at Brussels,		
For the European Parliament For the Council		
The President The President		
ANNEX I		
Leak detection Repair and monitoring schedules		
<u>Part 1</u>		
<u>Approval of continuous monitoring</u>		

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<u>For the purposes of the approval by the competent authorities of the use of continuous monitoring systems according to Article 14 of this Regulation, operators must provide the following:</u>		
<u>(i) the continuous monitoring device manufacturer information;</u>		
<u>(ii) the leak detection capabilities, reliability, and limitations of the continuous monitoring system, including, but not limited to, the ability to identify specific leaks or locations, detection limits, and any restrictions on use, as well as supporting data;</u>		
<u>(iii) a description of where, when, and how the continuous monitoring system will be used;</u>		

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<u>(iv) documentation adequate to demonstrate the continuous monitoring system is as effective at reducing emissions as the quarterly surveys set out in Article 14.</u>		
<u>Part 2</u>		
Repair schedule		
The repair <u>and monitoring</u> schedule referred to in Article 14 must include at least the following elements:		
(i) Inventory and identification of all components that have been checked		
(ii) Result of inspection in terms of whether methane loss has been detected and, if so, size		

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of loss		
(iii) For components found to be emitting <u>at or above the thresholds set out in Article 14(4)</u> 500 parts per million or more of methane, indication of whether repair was undertaken during the LDAR survey and if not why, taking into account the requirements as regards what elements can be taken into account for a delayed repair, as per Article 14, paragraph 4.		
(iv) For components found to be emitting <u>at or above the thresholds set out in Article 14(4)</u> 500 parts per million or more of methane, planned repair schedule indicating planned date of repair,		
(v) For components found to be emitting <u>below the thresholds set out in Article 14(4)</u> less than 500 parts per million in previous		

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LDAR survey, but found to be emitting <u>at or above such thresholds</u> 500 parts per million or more of methane during post LDAR monitoring to check whether the size of loss of methane has evolved, indication whether repair was undertaken immediately and if not, why not (as per iii), and planned repair schedule indicating planned date of repair.		
This is to be followed by a post repair <u>and monitoring</u> schedule to indicate when repairs were effectively carried out.		
Monitoring schedule		
The <u>repair and</u> monitoring schedule referred to in Article 14 must include at least the following elements:		

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Presidency compromise text	Drafting Suggestions	Comments
(i) Inventory and identification of all components that have been checked		
(ii) Result of inspection in terms of whether methane loss has been detected and, if so, size of loss		
(iii) For components found to be emitting <u>at or above the thresholds set out in Article 14(4)</u> 500 parts per million or more of methane , results of monitoring after repair to check if repair was successful		
(iv) For components found to be emitting <u>below the thresholds set out in Article 14(4)</u> less than 500 parts per million of methane , results of post LDAR monitoring to check whether the size of loss of methane has evolved and recommendation on the basis of finding.		

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Presidency compromise text	Drafting Suggestions	Comments
ANNEX II		
Reporting of venting and flaring events		
Pursuant to Article 16, operators must report to the competent authorities at least the following information regarding methane flared or vented:		
(i) name of the operator;		
(ii) location , name and type of asset;		
(iii) equipment involved;		
(iv) date(s) and time(s) that venting or flaring was discovered or commenced and terminated;		
(v) measured or estimated volume of vented		

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Presidency compromise text	Drafting Suggestions	Comments
or flared natural gas methane. Where a measured volume is not available, a motivated estimation must be provided;		
<u>(v1) flaring efficiency</u>		
(vi) cause and nature of venting or flaring;		
(vii) steps taken to limit the duration and magnitude of venting or flaring;		
(viii) corrective actions taken to eliminate the cause and recurrence of venting or flaring;		
(ix) results of weekly monthly inspections of flare stacks <u>and of the continuous monitoring of flare stacks, as applicable,</u> carried out in accordance with Article 17, <u>where an issue has been identified</u>		HU supports PRES text.

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Presidency compromise text	Drafting Suggestions	Comments
ANNEX III		
Flare stack inspections		
Weekly Monthly flare stack inspections must include a comprehensive Audio, Visual and Olfactory (AVO) inspection (including external visual inspection of flare stacks, listening for pressure and liquid leaks and smelling for unusual and strong odours).		HU supports PRES text.
During the inspection the operator must inspect all components, including flare stacks, thief hatches, closed vent systems, pumps, compressors, pressure relief devices, valves, lines, flanges, connectors, and associated piping to identify defects, leaks and releases.		

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The following observations must be included in the report:		
(i) In the case of lit flares: whether combustion is considered adequate or inadequate. Inadequate combustion being defined as a flare with visible emissions that exceed a total of five minutes during any two consecutive hours. <u>Where flares are equipped with continuous monitoring, inadequate combustion being defined as a flare with visible emissions that exceed a total of five minutes during any two consecutive hours recorded on a live basis.</u>		
(ii) In the case of unlit flares: whether the unlit flare has a gas vent or not. If it does have a gas vent, an intervention to remedy it should take place within 6 hours or within 24 hours in the case of bad weather or other extreme	(ii) In the case of unlit flares: whether the unlit flare has a gas vent or not. If it does have a gas vent, an intervention to remedy it should take place if possible without delay after detection and not later than during the next	

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Presidency compromise text	Drafting Suggestions	Comments
conditions. <u>Where flares are equipped with continuous monitoring, the emissions are calculated based on the flow rate and methane slip in case there is a gas vent. An intervention to remedy it must should take place within 6 hours or within 24 hours in the case of bad weather or other extreme conditions.</u>	maintenance within 6 hours or within 24 hours in the case of bad weather or other extreme conditions.	
ANNEX IV		
Inventories and mitigation plans for of inactive wells, temporarily plugged wells and permanently plugged and abandoned wells		
<u>Part 1</u>		
Pursuant to Article 18, inventories of inactive wells, <u>temporarily plugged wells and</u>		

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Presidency compromise text	Drafting Suggestions	Comments
<u>permanently plugged and abandoned wells</u> must include at least the following information:		
(i) name and address of the operator, owner or licensee, where applicable;		
(ii) name, type and address of well or well site, <u>specifying whether it is an inactive well, temporarily plugged well or permanently plugged and abandoned well, as defined in this Regulation;</u>		
(iii) <u>where relevant,</u> map showing borders of the well or well site;		
(iv) results of any methane concentration measurements <u>or quantification of methane emissions to air and to water carried out prior to the inventory, if any.</u>		

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Presidency compromise text	Drafting Suggestions	Comments
<u>Pursuant to Article 18, with respect to permanently plugged and abandoned wells, inventories must also include:</u>		
<u>(i) the last known measurements or quantification of methane emissions to air and to water, if any;</u>		
<u>(ii) information showing that the relevant competent authority has attested that the well or well site in question fulfils the criteria set out in Article 2(25);</u>		
<u>(iii) documentation adequate to demonstrate that there are no methane emissions from that well or well site.</u>		
<u>Part 2</u>		

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Presidency compromise text	Drafting Suggestions	Comments
<u>Pursuant to Article 18, mitigation plans must include at least the following information:</u>		
<u>(i) the schedule of addressing each inactive well and temporarily plugged well, including the actions to be performed;</u>		
<u>(ii) name and address of the operator, owner or licensee of the inactive well or temporarily plugged well, where applicable;</u>		
<u>(iii) projected end date of all remediation, reclamation or plugging of inactive wells and temporarily plugged wells.</u>		
ANNEX V		
Reporting for operating coal mines		

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Presidency compromise text	Drafting Suggestions	Comments
Part 1		
Pursuant to Articles 19 and 20, the reports for operating underground mines must include at least the following information:		
(i) name and address of the mine operator;		
(ii) mine address;		
(iii) tonnage of each coal type produced by the mine;		
(iv) for all ventilation shafts utilised by the mine		
1) name (if any);		

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Presidency compromise text	Drafting Suggestions	Comments
2) period of use, if different from the reporting period;		
3) coordinates;		
4) purpose (intake, exhaust);		
5) technical specification of the measurement equipment ^{apparatus} used for measurement and quantification of methane emissions and optimum operating conditions specified by the producer;		
6) proportion of time when continuous measurement equipment ^{apparatus} was operating;		
7) choice of European or international standard for:		

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Presidency compromise text	Drafting Suggestions	Comments
- methane measurement equipment apparatus sampling position;		
- measurement of flow rates;		
- measurement of methane concentrations;		
8) methane emissions registered by the continuous measurement equipment apparatus (in tonnes);		
9) methane emissions registered through monthly sampling (in tonnes/hour) covering information on;		
- sampling date;		
- sampling technique;		

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Presidency compromise text	Drafting Suggestions	Comments
- readings of atmospheric conditions (pressure, temperature, humidity), taken at an appropriate distance to reflect conditions at which continuous measurement <u>equipment</u> apparatus is operating;		
11) if mine is joined to another mine by any means allowing for a flux of air between the mines, name of the mine;		
(v) post mining emission factors and description of method employed for their calculation;		
(vi) post-mining emissions (in tonnes).		
Part 2		

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Presidency compromise text	Drafting Suggestions	Comments
Pursuant to Articles 19 and 20, the reports for operating surface mines must include at least the following information:		
(i) name and address of the mine operator;		
(ii) mine address;		
(iii) tonnage of each coal type produced by the mine;		
(iv) map of all deposits utilised by the mine, outlining borders of these deposits;		
(v) for each coal deposit:		
1) name (if any)		
2) period of use, if different from the reporting		

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Presidency compromise text	Drafting Suggestions	Comments
period		
3) outline of the experimental method employed to determine methane emissions due to mining activities, including the choice of methodology to account for methane emissions from surrounding strata	3) outline of the experimental method employed to determine methane emissions due to mining activities, including the choice of methodology to account for methane emissions from	The term experimental method should be clarified.
(vi) post mining emission factors and description of method employed for their calculation;		
(vii) post-mining emissions.		
Part 3		
Pursuant to Articles 19 and 20, the reports for drainage stations must include at least the following information:		

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Presidency compromise text	Drafting Suggestions	Comments
(i) name and address of the mine operator;		
(ii) tonnage of methane supplied by a mine/mines drainage system, per mine;		
(iii) tonnage of methane vented;		
(iv) tonnage of flared methane;		
(v) flare efficiency;		
(vi) use of methane captured.		
ANNEX VI		
Reporting of venting and flaring events in drainage stations		

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Presidency compromise text	Drafting Suggestions	Comments
Pursuant to Article 23, drainage station operators must report to the competent authorities at least the following information regarding methane flared or vented:		
(i) name and address of the operator;		
(ii) time when the event was first detected;		
(iii) cause of the venting and/or flaring event;		
(iv) tonnage of methane vented and flared (or an estimate if quantification or <u>measurement</u> is not possible).		
ANNEX VII		
Closed and abandoned mines		

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Presidency compromise text	Drafting Suggestions	Comments
Part 1		
Pursuant to Article 24 and 25, for each site, the inventory of closed and abandoned coal mines must include at least the following information, where available :		HU support PRES addition
(i) name and address of the operator, owner or licensee, where applicable;		
(ii) site address;		
(iii) map showing borders of the mine;		
(iv) schemes of mine workings and their status	(iv) — schemes of mine workings and their status	Closed mines have no schemes of mine workings. This point should be deleted.
(v) results of methane concentration source level direct measurement or quantification at	(v) results of methane concentration	The proposal is too detailed, exhaustive list should be deleted.

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Presidency compromise text	Drafting Suggestions	Comments
the following elements point emission sources:		This would mean unidentifiable geographical scope and legal uncertainty, so we propose to delete .
1) all ventilation shafts utilised by the mine when operating, accompanied by:	1) all ventilation shafts utilised by the mine when operating, accompanied by:	
- shaft coordinates	- shaft coordinates	
- shaft name (if any)	- shaft name (if any)	
- sealing status and sealing method, if known	- sealing status and sealing method, if known	
2) unused vent pipes	2) unused vent pipes	
3) unused gas drainage wells	3) unused gas drainage wells	
4) outcrops;		HU supports deletion

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Presidency compromise text	Drafting Suggestions	Comments
5) identifiable strata fractures at the mine's territory or linked to its former coal deposit;		HU supports deletion
5) — 6) other recorded potential point emission sources. 6) other recorded potential point emission sources.		HU supports deletion
Part 2		
The measurements referred to in point (v) of Part 1 above must be performed in accordance with the following principles:		
(i) measurements must be performed at atmospheric pressure allowing for potential methane leak to be detected, and according to the appropriate scientific standards;		

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(ii) measurements must be performed using an <u>equipment capable of estimating yearly methane emissions at the level of at least 0,5 tonnes or above from such source</u> , apparatus with a sensitivity threshold of at least;		
(iii) measurements must be accompanied by an information on:		
1) date of the measurement;		
2) atmospheric pressure;		
3) technical details of the equipment used for the measurement;		
(iv) ventilation shafts historically utilised by two or more mines must be assigned to just one mine, to avoid double-counting.		

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Presidency compromise text	Drafting Suggestions	Comments
Part 23		
The report set out in Article 25(3) must include the following elements:		
(i) name and address of the operator, owner or licensee, where applicable;		
(ii) site address;		
(iii) methane emissions from all elements outlined in Article 25(3) point emission sources outlined in Part 1 including:		We maintain and propose to delete point (iii), the proposed detailed data is not necessary for the report. This would mean unidentifiable geographical scope and legal uncertainty, so we propose to delete.
1) type of element point emission source ;		This would mean unidentifiable geographical

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		scope and legal uncertainty, so we propose to delete .
2) technical details of measurement <u>equipment and method employed to estimate methane releases</u> apparatus used for the measurement including sensitivity;		
3) proportion of time when measurement <u>equipment</u> apparatus was operating;		
4) methane concentration registered by the measurement <u>equipment</u> apparatus ;		
5) estimates of methane emissions from the element point emission source.		
Part <u>3</u> 4		

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Presidency compromise text	Drafting Suggestions	Comments
The mitigation plan set out in Article 26(1) must include at least the following information:		
(i) list of all point emission sources outlined in Part 1 elements covered in Article 25(3);		We propose to simplify it. Defining and listing the relevant elements should be in the competences of the Member States This would mean unidentifiable geographical scope and legal uncertainty, so we propose to delete.
(ii) technical feasibility of mitigation of methane emissions from each point emission source elements outlined in Article 25(3);		This would mean unidentifiable geographical scope and legal uncertainty, so we propose to delete.
(iii) timeline of mitigation of methane emissions from each point emission source elements outlined in Article 25(3);		This would mean unidentifiable geographical scope and legal uncertainty, so we propose to delete.
(iv) assessment of the efficiency of projects		This would mean unidentifiable geographical

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for collection of abandoned mine methane.		scope and legal uncertainty, so we propose to delete.
ANNEX VIII	ANNEX VIII	
		We propose to delete Annex VIII.
Information to be provided by importers		
For the purposes of this Annex, ‘exporter’ means the contractual counterparty in each supply contract entered into by the importer for the delivery of fossil energy into the Union.		
Pursuant to Article 27, importers must provide the following information:		
(i) name and address of exporter and, if different from exporter, name and address of producer;		

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(ii) countries and regions corresponding to the Union nomenclature of territorial units for statistics (NUTS) level 1 where the energy was produced and countries and regions corresponding to the Union nomenclature of territorial units for statistics (NUTS) level 1 through which the energy was transported until it was placed on the Union market;		
(iii) as regards oil and fossil gas, whether the exporter is undertaking measurement and reporting of its methane emissions, either independently or as part of commitments to report national GHG inventories in line with United Nations Framework Convention on Climate Change (UNFCCC) requirements, and whether it is in compliance with UNFCCC reporting requirements or in compliance with Oil and Gas Methane Partnership 2.0 standards. This must be accompanied by a copy of the		

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latest report on methane emissions, including, where available, the information referred to in Article 12(6). The method of quantification (such as UNFCCC tiers or OGMP levels) employed in the reporting must be specified for each type of emissions;		
(iv) as regards oil and gas, whether the exporter applies regulatory or voluntary measures to control its methane emissions, including measures such as leak detection and repair surveys or measures to control and restrict venting and flaring of methane. This must be accompanied by a description of such measures, including, where available, reports from leak detection and repair surveys and from venting and flaring events with respect to the last available calendar year;		
(v) as regards coal, whether the exporter is		

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Presidency compromise text	Drafting Suggestions	Comments
undertaking measurement and reporting of its methane emissions, either independently or as part of commitments to report national GHG inventories in line with United Nations Framework Convention on Climate Change (UNFCCC) requirements, and whether it is in compliance with UNFCCC reporting requirements or in compliance with an international or European standard for monitoring, reporting and verification of methane emissions. This must be accompanied by a copy of the latest report on methane emissions, including, where available the information referred to in Article 20(6). The method of quantification (such as UNFCCC tiers or OGMP levels) employed in the reporting must be specified for each type of emissions;		
(vi) as regards coal, whether the exporter applies regulatory or voluntary measures to		

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control its methane emissions, including measures to control and restrict venting and flaring of methane. This must be accompanied by a description of such measures, including, where available, reports from venting and flaring events with respect to the last available calendar year;		
(vii) name of the entity that performed independent verification of the reports referred to in points (iii) and (v), if any.		
	End	End



Council of the European Union
General Secretariat

Brussels, 12 September 2022

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	HU comments on the Methane Regulation (ST 11246/22)

Delegations will find in the annex the HU comments on the Methane Regulation (ST 11246/22).