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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	Comments from: LV SI IE DE DK RO CY CZ BE NL AT HU PL on the Methane Regulation

Delegations will find in the annex the comments from: LV SI IE DE DK RO CY CZ BE NL AT HU PL on the Methane Regulation

Proposal for Methane Regulation**COMMENTS FROM: LV SI IE DE DK RO CY CZ BE NL AT HU PL****LAST UPDATE: 28 March 2022**

Commission proposal	Drafting Suggestions Comments
2021/0423 (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 (Text with EEA relevance)	DK: (Comments): General remarks: Denmark would like to thank the Commission for a significant and comprehensive effort preparing the proposal for methane regulation of the oil, gas and coal sectors, with the objective of reducing methane emissions. Denmark thanks the Presidency for the opportunity to provide comments to the proposal. Denmark maintains a general scrutiny reservation and a parliamentary reservation on the proposal and reserves the right to return with further comments at a later stage. Denmark supports an ambitious, unambiguous and balanced EU regulation to reduce methane emissions and believes that the proposed regulation for the energy sector is a good starting point for this purpose. Denmark wants the proposed methane regulation to support ambitious and cost effective climate action within the EU and finds it important to ensure that the most cost effective actions to reduce emissions of greenhouse gases will be of first priority. This also goes for the specific efforts to reduce methane emissions in the energy sector. In the light of the above, Denmark proposes that the Methane Regulation's rules on monitoring, reporting

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	and verification (MRV) of methane emissions should be harmonized with the MRV rules of the ETS Directive, in order to be able to integrate the Methane Regulation into the EU ETS mechanism in the future. RO: (Comments): The measures comprised by the current proposal for a Regulation are not adequately correlated with the energy transition targets assumed at national level, by means of the National Energy and Climate Plan and the National Recovery and Resilience Plan (<i>i.e.</i>, too strict deadlines). For instance, Romania committed to phasing out hard coal and lignite power production by 2032 in its National Recovery and Resilience Plan. The measures detailed in this proposal for a Regulation entail the possibility of deepening the present socio-economic consequences and regional disparities. AT: (Comments): • AT should like to reserve the right to make further comments and additions in the course of the negotiations. The following remarks are preliminary. • The efforts of the European Commission to reduce methane emissions in the energy sector within the EU, but also at the global level, and thus also the present legislative project are expressly supported by AT. HU: (Drafting): REGULATION DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL HU:

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	(Comments): 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.
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,	HU: (Drafting): Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) 191 thereof HU: (Comments): In our view the legal bases is not proper. We propose a different reference.

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Having regard to the proposal from the 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,	

¹ OJ C , , p. .

² OJ C , , p. .

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Whereas:	
(1) Methane, the main component of 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 (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	BE: (Drafting): (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. BE: (Comments): Adjusted for scientific correctness of average atmospheric residence time and greenhouse effect per unit of

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methane in the atmosphere globally has risen sharply over the last decade.	gas.
(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 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	IE: (Comments):

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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 Communication³ indicates 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	NL: (Drafting): To achieve that level of GHG emission reductions, methane emissions from the energy sector should decrease by around 58% by 2030 compared to 2020. NL: (Comments): 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 contribute to, for example, the Global Methane Pledge of 30% methane emissions reduction by 2030 compared to 2020. HU: (Drafting): To achieve that level of GHG emission reductions, methane emissions from the energy sector should

³ COM(2019) 640 final.

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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	decrease by around 58% by 2030 compared to 2020. HU: (Comments): 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 contribute to, for example, the Global Methane Pledge of 30% methane emissions reduction by 2030 compared to 2020.

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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emission reductions, methane emissions from the energy 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) 2018/842⁵. However, there is currently no Union level legal framework setting out specific measures for the reduction of anthropogenic methane emissions in the energy	

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).

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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 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 liquid fossil gas (LNG) terminals, as well as to operating underground and surface coalmines, closed and	DE: (Drafting): In this context, this Regulation should apply to the reduction of methane emissions in oil and fossil gas upstream exploration and oil and gas production, fossil gas and oil gathering and processing, gas and oil transmission, distribution, underground storage and liquid liquefied fossil gas (e.g. LNG) terminals, as well as to operating underground and surface coalmines, closed and abandoned underground coal mines. DE: (Comments): Since methane emissions also have a greenhouse effect in the case of biogenic methane, these should also be taken into account.

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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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 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.	DE: (Drafting): 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 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. DE: (Comments): See above

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(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	

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necessary measures to ensure compliance 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	

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and effective implementation of the obligations laid down in this Regulation, the Commission supports Member States through the Technical Support Instrument ⁷ 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.	
(12) In order to ensure the performance of their tasks, operators should provide the	

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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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 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	

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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 inspections and the relevant information should be made available in accordance with Directive 2003/4/EC of the	

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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.	NL: (Drafting): (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. NL: (Comments): It is unclear on what basis such persons could be harmed by methane emissions. After all, the effect is, by definition, global and not local. HU: (Drafting): 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

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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	and should receive a final decision within a reasonable time of lodging the complaint. HU: (Comments): 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 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	DE: (Drafting): While self-verification is possible, Therefore, third party verification ensures greater independence and transparency than self-verification. DE: (Comments): Textual modification to avoid misunderstanding that self-verification is possible under the regulation. NL: (Drafting): (15) A robust verification framework can improve the credibility of reported data. In 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

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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 Council⁹. 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	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 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 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. NL: (Comments): Under this Regulation, verifiers are designated to be responsible for reviewing emission reports, including

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).

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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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 to the premises and the	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 HU: (Drafting): (15) A robust verification framework can improve the credibility of reported data. In 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

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presentation of documentation or records.	all public entities. Verifiers should be accredited by accreditation bodies in accordance with Regulation (EC) 765/2008 of the European Parliament and of the Council¹¹. 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 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. HU: (Comments): HU supports NL reasoning. Under this Regulation, verifiers are designated 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

¹¹ 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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	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
(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	NL: (Comments): The verification role for the IMEO is confusing. How does this relate to the role of the competent authority and the verifier? And how is the role of the commission here? What happens after addressing the shortcomings? Penalties? Very unclear.

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reference criteria in that respect may include the OGMP standards and guidance documents. The information produced by the IMEO should be 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.	

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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 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	

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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).	
(19) Regulation (EU) 2018/1999	

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of the European Parliament and of the Council¹² 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.	

¹² 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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(20) Country data reported pursuant to UNFCCC reporting provisions is submitted to 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	

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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, 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	

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methane-related emissions ¹³ .	
(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 the lowest, tier 1, level is still very common in several Member States for methane emissions from coal, gas and oil.	

¹³ IPCC (2019) 2019 Refinement to the 2006 IPCC guidelines for national greenhouse gas inventories.

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(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	NL: (Drafting): (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. 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 for the upstream oil- and gas sector, based on sound scientific norms. For (underground) gas distribution and transport networks, a different methodology is necessary. NL: (Comments): The way OGMP 2.0 is used in this regulation is a suitable basis for upstream oil and gas, but not feasible for underground gas distribution and transport networks.

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to drive mitigation actions to reduce methane emissions. 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.	
	NL: (Drafting): Methane emissions quantification and reporting for gas infrastructure shall be conducted according to appropriate and widely accepted and approved guidelines in particular the OGMP 2.0 technical guides and

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	approved guidelines in particular the OGMP 2.0 technical guides and principles NL: (Comments): A reference to the OGMP2.0 contributes to uniformity and efficiency. The OGMP2.0 ensures a high standard.
(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 for appropriate measures for mitigation.	

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(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	NL: (Comments): The proposed M&R obligations deviate significantly from OGMP 2.0. The terms measurement and

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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 to build additional action to further curb methane emissions.	quantification are used interchangeably. More importantly, OGMP 2.0 leaves room for choices in measurement efforts, based on risk/size of methane emissions from various types of sources. The EU Regulation would apply the strictest imaginable regime of M&R to all types of sources. So for satellites with minimal methane emissions the same regime as for central treatment sites where the emission risk profile is higher. This issue also rises with plugged wells. See relevant article for explanation about the NL situation.
(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	NL: (Drafting): (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 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

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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 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	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. NL: (Comments): 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). HU: (Drafting): (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 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

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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.	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. HU: (Comments): 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).
(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	

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oil and gas, that 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.	

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(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 malfunction.	IE: (Comments): These proposals (recitals 30 - 39) appear reasonable but will have operational impacts on IE's TSO (GNI). For example, GNI does vent gas from its compressors located in Scotland i.e. outside the EU. It would be important to understand what practical implications the proposed new measures would have on these assets.
(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	

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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 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	RO: (Comments): In order to accelerate the digitalization of the oil and gas industry, in order to reduce methane emissions, targeted support measures provided by the European Commission are needed at the level of the Member States to advance the technological development of their measurement and reporting systems and to integrate the necessary measures with those which are economically feasible. NL: (Comments): The flexibility described in this recital is not reflected in the articles themselves, especially Article 14. The Commission proposal contains rules for the strict application of measures. This severely limits the possibilities to choose the most efficient measures - in line with the prescribed frameworks. This deviates from current practice in the Netherlands.

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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 by the need to repair components from which methane is escaping	NL: (Drafting): NL: (Comments): “and those areas with a higher risk of leaks should be checked more frequently”- how come this is not reflected in the LDAR articles, where surveys have to be executed every 3 months regardless of their risks.

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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	

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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.	
(35) Venting consists of 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.	NL: (Drafting): (35) Venting consists of 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 and during certain specific events where some venting is unavoidable. NL: (Comments): It is technically necessary, for example when using seals on compressors, for a small flow to be blown off continuously to a safe location. For safety reasons, we must always be able to blow off continuously without it being an emergency.

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(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 or fossil gas and as a result of insufficient facilities or amenable geology to re-inject methane, utilise it on-site, or dispatch it to a market, it is considered 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,	DE: (Drafting): 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 or fossil gas and as a result of insufficient facilities or amenable geology to re-inject methane, utilise it on-site, or dispatch it to a market, it is considered 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. DE: (Comments): See above (7) NL: (Drafting): 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 or fossil gas in the absence of or fossil gas and as a result of insufficient facilities or amenable geology to re-inject the produced gas methane, utilise it on-site, or dispatch it to a market, it is considered routine flaring. Routine flaring should be banned. Flaring should only be permissible when it is flaring for safety reasons, non-routine flaring and in case of a

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whereas flaring oxidises methane into carbon dioxide.	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, whereas flaring oxidises methane into carbon dioxide. NL: (Comments): 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, 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. HU: (Drafting): 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 or fossil gas in the absence of or fossil gas and as a result of insufficient facilities or amenable geology to re-inject the produced gas methane, utilise it on-site, or dispatch it to a market, it is considered routine flaring. Routine flaring should be banned. Flaring should only be permissible when it is flaring for safety reasons, non-routine flaring and in case of a

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	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, whereas flaring oxidises methane into carbon dioxide. HU: (Comments): 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, 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.
(37) Using flaring as an alternative to venting requires that flaring devices are efficient at combusting methane. For that reason, a combustion efficiency	

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requirement should also be included for the cases in which flaring is admissible. Use of pilot burners, which give 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	NL: (Drafting): (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. NL: (Comments): See (36) HU: (Drafting):

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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: (Comments): HU supports NL proposal
(39) Operators should notify major venting and flaring events without delay to the competent authorities and submit more comprehensive reports on all venting and flaring events. They should also ensure that equipment and devices comply with the standards laid down in Union law.	NL: (Drafting): (39) Operators should periodic notify major venting and flaring events without delay to the competent authorities and submit more comprehensive reports on all venting and flaring events. They should also ensure that equipment and devices comply with the standards laid down in Union law. NL: (Comments): There are no minimum limits for reporting, which would mean that all venting activities must be reported according to Annex II if they comply with Article 16.1a and b. Reporting everything (without a threshold) would result in an increased administrative burden. A threshold above which reporting is required is

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	therefore desirable.
(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.	IE: (Comments): It is important to ensure that inactive infrastructure does not contribute to methane emissions. However there is a need to draw a clear distinction between suspended wells and permanently plugged and abandoned wells. In our preliminary view, the risk of emissions from those categories of infrastructure are sufficiently different to warrant different obligations. There is also merit in considering whether onshore and offshore infrastructure should be subject to different requirements. NL: (Drafting): (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. NL: (Comments): 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

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	abandoning wells in the NL. 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 accessible due to construction and buildings. Offshore, the annual measurement of hundreds of abandoned wells is even more expensive than onshore. The environmental burden of carrying out the work does not outweigh the environmental gain. This is certainly the case offshore. 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. HU: (Drafting): (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:

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	(Comments): 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 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	

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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 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	

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in the European Pollutant Release and Transfer Register established by Regulation (EC) No 166/2006 ¹⁴ .	
(43) Methane emissions are primarily linked to underground mining activities, both in active and abandoned mines¹⁵. In active underground 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	

¹⁴ 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)

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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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-flooded mines continues to be	IE: (Drafting): Member States should thus establish inventories of closed and abandoned underground coal assets mines where operations have ceased since [timeframe identified in Article 25(2)] and, either them or the identified responsible party, should be required to install devices for measurement of methane emissions. IE: (Comments): As the Regulation is only looking at underground closed and abandoned mines (noting that Article 1(2)(c) refers to the scope being 'operating underground and surface coalmines, closed and abandoned underground coal mines'), inventories should be focused on underground coal mines, and the wording in this paragraph should specifically refer to those types of mine. In addition, the timeframe identified by Article 25 should be included here so that it is clear there is a specific timeframe for the inventory, and to avoid an interpretation that all historical mining should be captured, which is data that MS may or may not have. DE: (Comments): We suggest to examine: In addition, it should at least be examined whether the methane released can be

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emitted at levels attaining approximately 40% of emissions recorded at the time of closure¹⁶. 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 and, either them or the identified responsible party, should be required to install devices for measurement of methane emissions.	used for electricity production NL: (Drafting): (44) Once production is halted and a mine is closed or abandoned and non-flooded, 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-flooded mines continues to be emitted at levels attaining approximately 40% of emissions recorded at the time of closure¹⁷. 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 and, either them or the identified responsible party, should be required to install devices for measurement of methane emissions in case of non-flooded mines and where the mining area is still accesible. NL: (Comments): This text paints a different picture of a closed or abandoned mine than the closed mines in the Netherlands (Limburg). There are no open ventilation shafts or pressure valves. It talks about "methane from non-

¹⁶ (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

¹⁷ (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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	flooded mines continues...". As the biggest share of mines in the NL are flooded, we have hardly any relevant parts of "non-flooded mines" in mines that are not already excluded. Different approach for flooded and non-flooded inactive underground coal mines is desired. It is hard to see how emission data could be obtained at all in the Limburg situation with all shafts closed and no other openings between the mining area and ground level.
(45) Operating surface coal mines in the Union produce lignite and emit less methane than underground coal mines. According to the Union GHG inventory, in 2019 operating surface mines emitted 166 kilotonnes compared to 828 kilotonnes for underground coal mines¹⁸. Measurement of surface coal mine methane emissions is challenging due to their diffuse	SI: (Drafting): <i>Operating surface coal mines in the Union produce lignite and emit less methane than underground coal mines. <u>Lignite mines in the EU are predominantly opencast surface mines, with the exception of one lignite underground mine in Slovenia.</u> According to....</i> SI: (Comments): This is to clarify the situation of lignite mines in the EU.

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nature over a wide area. Therefore, and despite available technology¹⁹, emissions from surface mines are rarely measured. Methane emissions from surface mines can be derived using basin-specific coal emission factors²⁰ and, with greater precision, using mine- or deposit-specific emission factors, since coal basins have deposits with different methane-bearing capacity²¹. Emission factors can be derived from measuring gas content of the seams sampled from exploration borehole cores²². Mine operators should thus perform	

¹⁹ 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)

²⁰ 2006 IPCC guidelines for national greenhouse gas inventories.

²¹ Bilans Zasobow Zloz Kopalni, stan na 31.12.2020³, State Geological [Surowce mineralne \(pgi.gov.pl\)](http://Surowce.mineralne.pgi.gov.pl)

²² 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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measurements of methane emissions in surface coal mines using such emission factors.	
	SI: (Drafting): <u>(45a) In active underground mines, methane concentration in the air is continuously controlled as it constitutes a health and safety hazard. Ventilation systems represent one of two main ways of lowering methane concentrations in a mine's airways to ensure safety and health of miners. Ventilation air methane (VAM) can be mitigated with or without energy recovery, though the solutions remain comparably expensive, principally because the concentrations of methane emanating from ventilation systems are very low</u> SI: (Comments): It is important to note that the ventilation of methane is done to ensure the health and safety of the mine workers. By setting a very low threshold for methane emissions from underground coal mines, which could continue to use venting through ventilation shafts after 1.1.2027, the Regulation is actually proposing to ban the implementation of a key safety measure without providing a reasonable and cost-effective alternative to underground coal mines. The introduction of existing VAM methane abatement technologies is expensive, technically complex and time-consuming due to the very low methane concentration (this is also stated in the impact assessment done by the Commission).
(46) Therefore, mine operators should perform continuous	BE: (Drafting):

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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.	(46) Therefore, mine operators should perform continuous measurement and quantification of methane emissions from ventilation shafts in active 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. BE: (Comments): It can be inferred that these are only operational mines, but we suggest to clearly state this.
(47) Currently, mitigation of methane 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	NL: (Comments): See (44)

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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.	NL: (Comments): It is not clear whether this refers only to active mines or also to abandoned mines.
(49) For operating underground coal mines, mitigation of methane	IE: (Comments):

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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 mines²³, Member States should establish their own mitigation plan, taking into consideration those constraints and the technical	It would be beneficial if the mitigation plan referred to in this recital were to have scope for prioritising areas for mitigation or thresholds for action. There could be very small historical coal mines that have negligible methane emissions, so it would be preferable to prioritise and monitor the larger emitters.

²³ Best Practice Guidance for Effective Methane Recovery and Use from Abandoned Mines (UNECE, 2019)

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feasibility of AMM mitigation.	
(50) Following a Commission proposal, on 28 June 2021, the Council adopted the new legal base of the Research Fund for Coal and Steel ²⁴ 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	

²⁴

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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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.	
(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	

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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.	
(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	

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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 ²⁵ .	
(54) As announced in the Communication on the EU Methane Strategy ²⁶ , the Union is committed to working in cooperation with its energy partners and other key fossil energy importing countries to tackle methane emissions globally. Energy diplomacy on methane emissions has already yielded	NL: (Drafting): (54) As announced in the Communication on the EU Methane Strategy²⁷, the Union is committed to working in cooperation with its energy partners and other key fossil energy importing countries to tackle methane emissions 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

²⁵ 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.

²⁶ COM(2020) 663 final

²⁷ COM(2020) 663 final

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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	inventory methodologies, in order to quantify methane emissions, with a particular focus on high emission sources. NL: (Comments): “Commit to moving towards using the highest tier IPCC good practice inventory methodologies, consistent with IPCC guidance, with particular focus on high emission sources, in order to quantify methane emissions; as well as working individually and cooperatively to continuously improve the accuracy, transparency, consistency, comparability, and completeness of national greenhouse gas inventory reporting under the UNFCCC and Paris Agreement, and to provide greater transparency in key sectors.”

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sources.	
(55) Further, the International Methane Emissions Observatory (IMEO) will play an 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 ²⁸ .	
(56) The Commission will work with the IMEO to set up a ‘Methane Supply Index’, as explicitly referred to in the	NL: (Comments): In order to successfully carry out the proposed tasks of IMEO, an unambiguous set of definitions under the EU Regulation and OGMP 2.0 is indispensable. Again: OGMP 2.0 should be leading.

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Communication on the EU Methane Strategy²⁹. 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 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	

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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	IE: (Comments): This would seem to apply to IE shippers, who import gas from the UK, a 3rd country, and therefore are importing it “to the Union”. Presumably they will be able to obtain this information readily from the UK, or from the database referred to at recital (61)? If not, it could represent a cost burden if they are required to provide it themselves.

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measurement and 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	DE: (Drafting): 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 physical 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, 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

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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, 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	purchasing decisions of importers of physical 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 physical 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 physical fossil energy is produced. DE: (Comments): Since some renewable energy sources can also release methane, the focus should not only be on fossil energy sources. At the same time, it should be noted that non-physical energy sources, such as electricity, are excluded.

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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-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	DE: (Drafting): 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-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 physical 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. DE:

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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.	(Comments): See above (59)
(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	IE: (Comments): Per comment at recital (58), this should be positive.

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uptake of methane mitigation solutions across the globe. In 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	

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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, 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	

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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 environmental damage. When imposing penalties, due regard should be given to the nature, gravity and duration of the	IE: (Comments): Is it envisaged this will fall to NRAs in their regulatory capacity? NL: (Drafting):

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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	

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the possibility to publish the information related to the penalties imposed by Member States, in compliance with the data protection requirements set out in Regulations (EU) 2016/679 ³⁰ and (EU) 2018/1725 of the European Parliament and the Council ³¹ .	
(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 ³²	NL: (Drafting): (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 ³³ should be amended to entrust ACER with the task of making available drafting a set of indicators and reference values

³⁰ 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).

³¹ 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).

³² 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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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 methane emissions for comparable projects.	for the comparison of unit investment costs linked to measurement, reporting and abatement of methane emissions for comparable projects. NL: (Comments): It is unclear how the different asset levels are determined and how a distinction is made between the different assets. It follows from Article 34 that ACER establishes a set of indicators every three years to determine whether costs are effective and efficient: how is that process done? How is that determined? Can member states share input?
(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	

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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 preparatory work, including at expert level, and that those consultations be conducted in	

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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	

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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 accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ³⁴ .	
(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.	IE: (Comments): “reasonable period” perhaps needs to be quantified?
(68) Since the objective of this Regulation, namely the	NL: (Comments):

³⁴

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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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 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,	The proposal goes beyond what is necessary, and some of them are measures are not considered to be suitable to achieve the objective of the action. With regard to supervision, it is positive that the Commission prescribes the method to be used and is thus working towards a comparable working method in the EU. However, the frequency and method of stipulated frequency and method of inspection goes beyond what is necessary. The NL also argues for prescribing the minimum requirements that a method must meet, while at the same time leaving open the possibility of using better methods. The government also believes that the social impact of the increased costs is not expected to be proportional to the expected environmental gain from potential emission reductions. The proposed frequency of measurements and the consequences that would be attached to detected leakages do not, in the opinion of the government, take sufficient account of cost-effectiveness, feasibility or emission reduction. In the current Dutch situation, high-risk components on an installation are measured more often than others. This is a cheaper, less intrusive alternative with which it is expected that more emission reduction will be achieved. In addition, the NL government doubts whether converting offshore installations to enable flaring is proportionate due to the high costs and the fact that many installations are at the end of their (economic) life. the end of their (economic) life. There are more cost-effective reduction measures, such as useful reuse of residual gases for energy supply.

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HAVE ADOPTED THIS REGULATION:	
Chapter 1	
General Provisions	
Article 1	
Subject matter and scope	
1. This Regulation lays down rules for the accurate measurement, reporting 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	BE: (Drafting): 1. This Regulation lays down rules for the accurate measurement monitoring, reporting 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. NL: (Comments): According to the scope in Article 1, the Regulation covers exploration, production, treatment, transport and

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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.	storage of oil and gas. Through the definition of venting (under 18 in Article 2), methane emissions as a result of penetrating shallow gas formations seem to be added to the scope. This should be excluded. HU: (Drafting): 1. This Regulation lays down rules for the accurate measurement, reporting 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. HU: (Comments): We propose to delete the target for energy imports. Reporting obligations on third countries are not enforceable, it makes MS data reporting impossible. PL: (Drafting): 1. This Regulation lays down rules for the accurate quantification, monitoring, reporting 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.

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	PL: (Comments): The juxtaposition of “measurement, reporting and verification” can lead to confusion with commonly used MRV acronym, which stands for “monitoring, reporting and verification”.
2. This Regulation applies to:	CY: (Comments): It is not clear what facilities are included in this Regulation. A suggestion is to add an Annex with a list of facilities covered by the Regulation. BE: (Comments): <u>Question</u> The scope is fairly broad. Can the Commission provide an exhaustive list of installations which are included or excluded from the scope of the regulation, in order to provide more clarity? It is unclear whether all underground/ aboveground/ submerged pipelines, refineries, biogas installations/digesters and/or CNG/LNG/LPG refilling stations are included in the scope. <u>Question</u> From a climate point of view, would it not be appropriate to also regulate the LDAR, venting and flaring of

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	mobile storage tanks, e.g. on ships and trucks?
(a) oil and fossil gas upstream exploration and production, fossil gas gathering and processing;	DE: (Drafting): oil and fossil gas upstream exploration and oil and gas production, fossil oil and gas gathering and processing; DE: (Comments): See above (7) CY: (Comments): Is Oil and fossil gas midstream/ downstream (in its whole) covered by other legislative instruments? According to IEA the downstream segment accounted for 20% of total fossil methane emissions in 2020.
(b) gas transmission, distribution, underground storage and liquid gas (LNG) terminals operating with fossil and/or renewable (bio-or synthetic) methane;	DE: (Drafting): (b) gas transmission, distribution, underground storage and liquefied liquid gas (e.g. LNG) terminals operating with fossil and/or renewable (bio-or synthetic) methane DE:

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	(Comments): See above (7) BE: (Drafting): (b) gas transmission, distribution, underground storage and liquid gas (LNG) terminals, both operating with fossil and/or renewable (bio-or synthetic) methane or a mixture of them; BE: (Comments): <u>Question</u> Regarding 'bio-methane': the biomass fermentation/digestion plants are usually fully integrated: gas production + storage + transport + consumption (i.e. power generation). Can these plants also be included in the scope of this regulation, since they are very prone to gas leaks? We suggest to oblige LDAR on a regular basis for plants with a production capacity higher than 50 Nm³/h. <u>Question</u> Why is only underground gas storage included in the scope? Would it not be useful to include aboveground storage as well? <u>Question</u> Should the installations and tanks contain "pure" methane, or also gas mixtures (methane mixed with other

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	volatile organic compounds)? AT: (Comments): With regard to Article 1 Paragraph 2 AT kindly asks for clarification whether all gas systems (fossil/renewable) are included in the area of transmission, distribution and storage? AT would assume this, since a distinction between fossil and renewable systems might prove difficult, if not impossible.
(c) operating underground and surface coalmines, closed and abandoned underground coal mines.	NL: (Drafting): (c) operating underground and surface coalmines, closed and abandoned non-flooded underground coal mines.
	DE: (Drafting): (d) this regulation does not apply to offshore oil and gas wells that are permanently plugged and abandoned in accordance with regulatory requirements of the competent authorities DE: (Comments): Need for clarification NL:

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	(Drafting): Abandoned non-sealed/plugged gas and oil wells NL: (Comments): Should be a different approach for abandoned inactive wells and fully closed and sealed inactive wells. Measuring instruments must be installed on all abandoned wells and methane emissions must be reported annually. This obligation does not do justice to the fact that operators must comply with strict sealing requirements when abandoning wells in the NL. 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 accessible due to construction and buildings. Offshore, the annual measurement of hundreds of abandoned wells is even more expensive than onshore. The environmental burden of carrying out the work does not outweigh the environmental gain. This is certainly the case offshore. As an additional consequence, the environmental load of measuring all abandoned wells is higher than the gain of looking for negligible leaks which are rarely found during measurement campaigns. HU: (Drafting): (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 HU: (Comments): We propose to exempt from scope the premamnently plugged and abandoned oil and gas wells in

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	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.	CY: (Comments): Not only outside (see Art. 1, Reg. 1) Suggestion “This Regulation also applies to...” Or “occurring inside and outside the Union...” HU: (Drafting): 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. HU: (Comments): 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 third country in this subject.
Article 2	

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Definitions	AT: (Comments): From AT's point of view, some refinements to Article 2 and additional definitions would be necessary. This concerns, for example: - “inactive well” (Article 2, point 24) - “efficient and structurally comparable regulated operator” (Article 3) - “serious breach” (Article 6) - “injury suffered” (Article 7) - “relevant components” (Article 14) - “closed and abandoned underground coal mines” (Chapter 4 Section III)
For the purposes of this Regulation, the following definitions apply:	NL: (Comments): It is very important that the definitions correspond to the definitions in OGMP 2.0. This is not the case at present. As a result, differences will occur between data collected under the EU Regulation and data delivered under OGMP 2.0.
(1) ‘methane emissions’ means all direct emissions occurring from all components that are potential	LV: (Comments): Latvia would like to have clarification regarding the “methane emissions” definition – as we understand it,

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sources of methane emissions, whether as a result of intentional or unintentional venting, incomplete combustion in flares or from other components and unintentional leaks;	indirect or Fugitive emissions (leakages due to tightness failure and permeation) are not included? NL: (Comments): It is questionable whether methane slip from gas turbines, gas engines and cookers falls under the definition of methane emissions. What to do with hydrocarbons (oil and gas) that come along with the extraction of geothermal heat? This should be explicitly excluded from this regulation. PL: (Drafting): ‘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 <i>a release of methane to the atmosphere;</i>
(2) ‘transmission system operator’ has the meaning attributed to it by [Article 2(4) of Directive 2009/73/EC of the	

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European Parliament and of the Council ³⁵] <i>[to be adapted as per ongoing recast proposal]</i> ;	
	PL: (Drafting): ‘LNG System Operators’ A natural or legal person who carries out the function of liquefaction of natural gas, exportation or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility. (Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009)(3a) ‘storage system operator’ has the meaning attributed to it by [Article 2(10) of Directive 2009/73/EC] <i>[to be adapted as per ongoing recast proposal]</i>; (3b) ‘LNG system operators’ has the meaning attributed to it by [Article 2(12) of Directive 2009/73/EC] <i>[to be adapted as per ongoing recast proposal]</i>; PL: (Comments): Underground Storage Operators and LNG System Operators are an important part of the whole gas system, and are not as explicitly referred in this regulation even if they are contributing to the efforts to reduce methane emissions.

³⁵

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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(3) ‘distribution system operator’ has the 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,	CY: (Comments): Below there is a definition for “coal mine”. Hence “mine operator” could change to “coal mine operator”

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where provided for in national legislation, to whom decisive economic power over the technical functioning of a coal mine has been delegated;	
(6) 'verification' means the activities carried out by a verifier to assess the conformity of the reports transmitted by the operators and mine operators;	
(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	PL: (Drafting): '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;

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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;	
(8) 'source' means a component or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;	HU: (Comments): The term component should be clarified. PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	NL: (Drafting): "relevant components" are those components to inspect for leakage which are connections (excluding welds) and other system parts potentially leaking methane to the atmosphere NL:

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	(Comments): A definition of "components" is missing, while rules are set with regard to components. (Reporting) obligations should be unambiguous; duplicate or differing reports on components should be avoided as much as possible.
(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);	DK: (Drafting): ‘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 owner/partner (non-operated assets); DK: (Comments): ‘operator’ operates or controls an asset by definition (Article 2, paragraph 4), suggests to use ‘owner’ or ‘partner’ in this paragraph BE: (Comments): <u>Question</u> ‘asset’ could be unclear, including with regards to ‘site’, ‘facilities’, ‘premises’ definitions. For TSOs and DSO’s, the extend of a ‘site’ vs an ‘asset’ needs to be clarified. Are buried pipelines and buried installations considered as a site? ‘site’ needs to be defined. NL:

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	(Comments): - The definition of asset (9) and site level methane emissions (14) are not well aligned. "all sites of an asset" instead of "asset".
(10) ‘emission factor’ means a coefficient that quantifies the emissions or removals of a gas per unit activity, which is often based on a sample of measurement data, averaged to develop a representative rate of emission for a given activity level under a given set of operating conditions;	DE: (Drafting): ‘emission factor’ means a coefficient that quantifies the emissions or removals of a gas per unit activity, which is often 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; DE: (Comments): To avoid misunderstanding we suggest an alignment to current industrial/technical definition. CY: (Comments): Needs to be more specific in terms of the fact that an emission factor is a coefficient which allows to convert activity data <u>into methane emissions</u>. Hence whereas “emissions” should be written “methane emissions”. HU: (Drafting):

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	‘emission factor’ means a coefficient that quantifies the emissions or removals of a gas per unit activity, which is often 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; HU: (Comments): Hungary supports DE proposal. PL: (Drafting): source’ means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source’ means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(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	PL: (Drafting): source’ means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;

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case not verified through direct measurements;	
	PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(12) 'specific emission factor' means an emission factor derived from direct measurements;	DE: (Drafting): '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 DE: (Comments): It is not possible in all cases to measure methane emission directly or installation based because of e.g. security reasons. Therefore not only direct measurement must be possible. HU: (Drafting): 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: (Comments):

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	HU supports DE proposal. PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(13) 'direct measurement' means direct quantification of the methane emission at source-level with a methane measuring device;	DE: (Drafting): 'direct measurement' means direct quantification of the methane emission at source-level with a methane measuring 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.' DE:

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	(Comments): See above (12) NL: (Drafting): (13) — ‘direct measurement’ means direct quantification of the methane emission at source level with a methane measuring device; NL: (Comments): The intention of the definition of direct measurement (13) is understandable, but for many sources direct determination of the amount of methane with a methane measuring device is not possible (or even desirable). A flow meter is by no means applicable everywhere (e.g. HP vent or LP vents with low outflow velocities and a flow meter is calibrated for a limited regime, i.e. it can never be calibrated over a range for a very low to a very high flow). The alternative to direct measurements is the use of a process simulation. With this, all emissions can be accurately calculated. Moreover, a flow meter cannot determine the amount of methane - the composition of the medium (percentage of methane in the flow) must be taken into account. Suggestion: <i>Direct measurement or other way of flow determination if a direct measurement is not possible after approval of the CA.</i> HU:

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	(Drafting): ‘direct measurement’ means direct quantification of the methane emission at source level with a methane measuring 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: (Comments): HU support DE proposal PL: (Drafting): source’ means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source’ means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;

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(14) 'site-level methane emissions' means all sources of emissions within an asset;	BE: (Drafting): (14) 'site-level methane emissions' means all sources of emissions within an asset a site; BE: (Comments): Site-level should differ from asset-level, if not, there should not be two different words. NL: (Drafting): (14) 'site-level methane emissions' means all sources of emissions within an all sites of an asset; NL: (Comments): -The definition of asset (9) and site level methane emissions (14) are not well aligned. "all sites of an asset" instead of "asset". PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane

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	into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(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;	PL: (Drafting): source’ means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source’ means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(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	DE: (Drafting): ‘undertaking’ means a natural or legal person carrying out at least one of the following functions: upstream oil and fossil gas exploitation, oil and gas exploration and production, fossil gas gathering and processing and gas transmission, distribution and underground storage, including LNG terminals operating with fossil and/or renewable (bio-or synthetic) methane;

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processing and gas transmission, distribution and underground storage, including LNG;	DE: (Comments): See above (7) BE: (Comments): <u>Question</u> Please clarify at which level an undertaking is operating: asset-level or site-level? PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(17) 'leak detection and repair survey' means a survey to identify sources of methane emissions, including leaks and unintentional	DE: (Drafting): 'leak detection and repair survey' means a survey to identify sources of methane emissions, including leaks, and other unintentional venting emissions;

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venting;	DE: (Comments): Suggestion for being more precise: LDAR has the primary goal of leak detection and repair, not the identification of methane sources HU: (Drafting): leak detection and repair survey' means a survey to identify sources of methane emissions, including leaks, and other unintentional venting emissions; HU: (Comments): HU supports DE proposal on LDAR clarification. PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(18) 'venting' means the release	DE:

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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;	(Drafting): ‘venting’ means the release of uncombusted methane natural gas 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; DE: (Comments): Even if methane is the main component of natural gas, venting and flaring of natural gas contains more than methane DK: (Comments): At the EWP meeting 21. march it was clarified that the ‘....or geological constraints;’ at the end of this paragraph, had something to do with ‘cold’, and referred to a definition by the World Bank. It is however still unclear what is meant by ‘....or geological constraints;’ at the end of this paragraph? NL: (Comments): The definition of venting (18) is important because venting is largely prohibited in Article 15. Application of the proposed definition in combination with the prohibition would result in gas production offshore no longer being possible. Article 15(2) link between a and b should be "or" instead of "and". It is technically necessary, for example when using seals on compressors, that a small flow is continuously blown off to a safe location. For safety reasons, it must always be possible to blow off continuously without it being an emergency.

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	It would clarify the definition in Article 2 (18) if it were included that blowing off takes place via a channel. In addition, emissions of methane occurs of production water is released into the sea. Also this type of releases should be excluded. PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
	PL: (Drafting): source' means a component within a process or equipment or a geological structure that releases methane into the atmosphere whether intentionally or unintentionally, intermittently or persistently;
(19) 'flaring' means the controlled combustion of methane for the purpose of disposal in a device designed for said combustion;	DE: (Drafting): 'flaring' means the controlled combustion of methane natural gas for the purpose of disposal in a device designed for said combustion; DE: (Comments): See above (18).
(20) 'emergency' means a	DE:

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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:	(Comments): The current definition is very narrow and questions of fault and liability of the operator should be clarified in case of averting an actual danger or a major accident
(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	

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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;	
(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	

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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;	DK: (Comments): It is positive that the definition of 'routine flaring' is almost identical to the definition by the World Bank (Global Gas Flaring Reduction (GGFR) Partnership and the 'Zero Routine Flaring by 2030' (ZRF) initiative), and Denmark appreciates the answer given at the EWP 21. March 2022, to keep the definitions simple by focussing on 'routine flaring' and not include the other flaring types 'safety flaring' and 'non-routine flaring' used by the World Bank. However, Denmark is concerned that the current definition does not give sufficiently clarity as to when flaring is in fact allowed, and thus not 'routine flaring'. Can the Commission confirm that 'safety flaring' and 'non-routine flaring' as defined by the World Bank

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	GFR partnership and ZRF initiative, are allowed in the proposed regulation? A full categorization of flaring the flaring types including ‘Safety Flaring’ and ‘Non-routine flaring’ would further help companies and authorities to target mitigations and reductions more efficiently. This comment also relates to Article 15 paragraph 5. World Bank GGFR Partnership - Gas Flaring Definitions: https://documents1.worldbank.org/curated/en/755071467695306362/pdf/Global-gas-flaring-reduction-partnership-gas-flaring-definitions.pdf NL: (Drafting): (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, net environmental gain or dispatch it to a market; NL: (Comments): The definition of routine flaring (22) seems to be inspired by situations in which associated gas that is released during the extraction of oil cannot be discharged because there is no infrastructure to do so. In NL

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	the necessary infrastructure is present, but flaring is still necessary in the E&P sector. 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, 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 gain (scope 1 and scope 2).
(23) ‘flare stack’ means a device equipped with a burner used to flare methane;	
(24) ‘inactive well’ means an oil or gas well or well site where operations for exploration or production have ceased for at least one year;	IE: (Drafting): (24) ‘inactive well’ means an oil or gas well or well site where operations for exploration or production have ceased for at least one year and which has not been permanently plugged and abandoned. IE: (Comments): It is important to ensure that inactive infrastructure does not contribute to methane emissions. However there is a need to draw a clear distinction between suspended wells and permanently plugged and abandoned wells. In our preliminary view, the risk of emissions from those categories of infrastructure are

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	sufficiently different to warrant different obligations. DE: (Drafting): ‘inactive well’ means an oil or gas well or well site where operations for exploration or production have ceased for at least one year and which has not been permanently plugged and abandoned in accordance with regulatory requirements of the competent authorities.” DE: (Comments): We suggest 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). Therefore it could be necessary to develop criteria what “orderly permanent plugged wells and backfilled/sealed mining sites” are. Reference on best available techniques (BAT) for such wells/sites could be helpful and elaborated in an Annex or an Article that addresses the task of developing an an “BAT-Document”. DK: (Comments): It was positively noted at the EWP meeting 21. March 2022, that the commission was open wrt to delimit the definition of ‘inactive well’ since Denmark finds that it is unclear whether ‘inactive wells’ include temporary plugged wells, permanently plugged wells or fully plugged and abandoned wells. This clarification is needed in order to assess the extend of article 18. Denmark suggests that ‘inactive wells’ should include temporary plugged wells.

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	Permanently plugged wells and fully plugged and abandoned wells should not be part of the definition of ‘inactive well’. CY: (Comments): What is the definition of inactive well (or active well)? Inactive wells include also the unsuccessful exploration wells? Also the water depth affects the amount of methane that may escape to the air. AT: (Comments): Question to the European Commission as to which net savings potential is seen at EU level for permanently filled boreholes and whether such boreholes should not be excluded from the scope of Article 18 (provided that throughout the EU a state-of-the-art standard for the filling of boreholes exists and is also fulfilled)? See also further down below at Article 18. HU: (Drafting): (24) ‘inactive well’ means an oil or gas well or well site where operations for exploration or production have ceased for at least one year; the well has not yet been permanently plugged and the pressure measured on the wellhead is higher than the atmospheric pressure, Option B ‘inactive well’ means an oil or gas well or well site where operations for exploration or production have ceased for at least one year

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	and which has not been permanently plugged and abandoned in accordance with regulatory requirements of the competent authorities.” HU: (Comments): Hungary supports DE proposal as well. PL: (Drafting): ‘Inactive well’ means an oil or gas well or well site where production, injection, disposal or workover operations have ceased for at least one year.
	DE: (Drafting):

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	(24 bis) 'backfilled/sealed mining sites' are ... DE: (Comments): [maybe needed for sealed underground hard coal mines]
(25) 'remediating' means the process of cleaning up contaminated water and soil;	
	NL: (Drafting): Sealed/plugged well NL: (Comments): Extra definition needed.
(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;	

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(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;	
(28) ‘operating coal mine’ means a coal mine where the majority of its revenue comes from	

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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	

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machines and continuous, longwall and shortwall mining machines, and transported to 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;	

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(33) ‘drainage system’ means a system, which may comprise multiple methane sources and which drains methane-rich gas from coal 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;	IE: (Drafting): (34) ‘post-mining activities’ are follow-on activities carried out after coal has been mined extracted and brought to the surface, including coal handling, processing, storage, and transport; IE: (Comments): There is a risk that ‘post-mining activities’ could also be perceived as referring to activities relating to reclamation and remediation of a mine which has been closed or abandoned. Alternatively, consideration could be given to a different term in lieu of ‘post-mining activities’.
(35) ‘continuous measurement’	

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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 coal, defined according to the Member State’s methodology on documenting geological mineral deposits;	IE: (Drafting): (37) ‘coal deposit’ is an area of the land containing significant significantly mineable quantities of coal, which may be defined according to the Member State’s methodology on documenting geological mineral deposits and may have a corresponding resource estimation calculated for an international mineral reporting classification code; IE: (Comments): A mineral deposit is where there is a high concentration occurrence of a mineral. Whether the mineral is

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	“mineable” depends on the nature of the deposit, economic viability and social / environmental factors. MS may not have a set methodology for documenting deposits (such as defining the threshold between a coal occurrence and a coal deposit) or may only have a list of mineral occurrences, where resources/reserves may have been calculated based on international mineral reporting classification codes eg. PERC which is not MS-specific or there is just a list of non-reported high concentrated mineral intersections. The wording could be changed to better reflect this.
(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;	

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(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 1099/2008 of the European Parliament and of the Council ³⁶ ;	
(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.	HU: (Drafting): (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 HU: (Comments): We propose to delete the definition, since we do not support the provisions on import. PL: (Drafting):

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	(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. PL: (Comments): The definition of "importer" should be reviewed in detail with respect to the activities of companies not registered in the European Union but supplying natural gas within the European Union (gas purchase contracts with a delivery point at gas hubs in the European Union). There is a risk that for such transactions, the lack of clarity regarding the definition of importer may lead to some transactions not being subject to the disclosure obligations.
	CZ: (Drafting): (42) 'coalbed methane' means a mixture of gases originating from underground spaces; (42) 'sources of coalbed methane' means from underground spaces; (43) 'coalbed methane extraction test' means the controlled extraction of coal mine methane to verify its composition and yield; (44) 'system shutdown' means all situations where a partial or complete pressure reduction is required before starting the repair. CZ: (Comments): The Czech Republic proposes the following definitions to bring more clarity to the proposed

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	Regulation.
<i>Article 3</i>	
Costs of regulated operators	AT: (Comments): Methane emission reduction activities are negligible in the context of the operation of grids. Thus, relevant investments could be implemented inefficiently even though the network operator as such was efficient (or vice versa). Therefore, a comparison of the activities themselves would therefore rather have to take place (than a comparison of the network operator as a whole). For this purpose, the regulatory authority could use the results of the unit investment costs comparison. Furthermore, an obligation for the operator to supply data and an authorization for the NRA to pass it on to ACER would have to be anchored.
1. When fixing or approving transmission or distribution tariffs or the methodologies to be used by transmission system operators, distribution system operators, LNG terminal operators or other regulated companies including	IE: (Comments): No problem. This is done under CRU tariff-setting procedures. DE: (Drafting): When fixing or approving transmission or distribution tariffs or the methodologies to be used by

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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.	transmission system operators, distribution system operators, LNG terminal operators or other regulated companies operating with fossil and/or renewable (bio-or synthetic) methane 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. DE: (Comments): See above (7); We also suggest to clarify whether “costs incurred and investments made..” only includes the costs for mitigating measures or also the administrative costs incurred by the regular reporting obligations. DK: (Comments): Under the EU ETS directive, much consideration has been given to shaping MRV-provisions in a cost-effective and economically efficient manner. Denmark suggests that it be considered to align the MRV rules in the Methane regulation with the MRV rules under the ETS. Furthermore, it should be considered to include specific rules in the Methane Regulation on the avoidance of unreasonable costs, such as the rules on unreasonable costs included in the ETS MRV-regulation 2018/2066? CZ:

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	(Drafting): 1. When fixing or approving gas tariffs or the methodologies to be used by transmission system operators, distribution system operators, LNG terminal operators or other regulated companies including where applicable underground gas storage operators, regulatory authorities shall include the costs incurred and investments made to comply with the obligations under this Regulation, insofar as they correspond to the best available techniques applicable to the assets and operations under regulation. 2. Subsidies, incentives or funds for monitoring, reporting and verification and mitigation measures of methane emissions should also support the efforts taken on non-regulated activities. CZ: (Comments): Not all gas infrastructure operators impacted by the proposed Regulation are regulated, for example underground storage operators in CZ are not regulated but costs and investments for mitigation measures and monitoring and verification due to this Regulation will not be cheap. The rationale behind the suggesting is to keep equal conditions for members of whole gas infrastructure chain. AT: (Drafting): “When fixing or approving transmission or distribution tariffs or the methodologies to be used by transmission system operators, distribution system operators, LNG terminal 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

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	obligations under this Regulation, insofar as they correspond to those of an are efficiently and transparently incurred structurally comparable regulated operator. The unit investment costs referred to in paragraph 2 can be used by the regulatory authorities to benchmark the costs incurred by the operators. HU: (Comments): 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 consumers. PL: (Drafting): 1. When fixing or approving transmission or distribution tariffs or the methodologies to be used by transmission system operators, distribution system operators, LNG terminal operators or other regulated companies including where applicable underground gas storage operators, regulatory authorities shall take into account include the additional 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 the best available techniques applicable to the assets and operations under regulation. PL: (Comments): Allowing the costs of measures to comply with the Regulation to qualify as eligible costs for the purposes of tariff determination is an advisable solution from the perspective of infrastructure operators. However, it

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	should be borne in mind that the proposal does not address the issue of excessive costs for customers. Thus, the need to reduce the burden of obligations remains crucial. Tariffs shall take into account as a reference the best available techniques applicable to the assets and operations under regulation. Not all solutions are applicable to every situation. Potential indicators can only give a reference range of abatement costs associated with the different techniques, and just for comparable projects in terms of asset type, age and boundary conditions. Additionally, non-operated assets are also taking action to reduce methane emissions. Subsidies or funds shall also be applicable to those operators who are taking early action.
	PL: (Drafting): 2. Subsidies, incentives or funds for monitoring, reporting and verification and mitigation measures of methane emissions should also support the efforts taken on regulated as well as non-regulated activities.
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	CY: (Comments): And then what? How will the affected parties be called to use these values? This cost will be like a cap cost to be taken into account in tariff setting (as it is written in paragraph (5))? Shouldn't this be also written here? NL: (Comments):

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comparison of unit investment costs linked to measurement, reporting and abatement of methane emissions for comparable projects.	NL supports the possibility that costs may be passed on. However, it is unclear how the various asset levels are determined and how a distinction is made between the various assets (see Article 34). As stated in Article 34, ACER must establish a set of indicators every three years to determine whether costs are effective and efficient: how is this process done? How is that determined? Can member states share input? AT: (Drafting): 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 this comparison. HU: (Comments): In our view, the ACER is not responsible for overseeing the oil supply chain and the coal mining market, for monitoring related investments and emissions, and for determining its costs. It is proposed to revise the provision in order to ensure a uniform definition of the reference costs. PL: (Drafting): 3. 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 to a range of reference values for the comparison of unit investment costs linked to measurement and quantification, reporting and abatement of methane emissions techniques for comparable projects in terms of asset type, age and

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	boundary conditions. PL: (Comments): Tariffs shall take into account as a reference the best available techniques applicable to the assets and operations under regulation. Not all solutions are applicable to every situation. Potential indicators can only give a reference range of abatement costs associated with the different techniques, and just for comparable projects in terms of asset type, age and boundary conditions. Additionally, non-operated assets are also taking action to reduce methane emissions. Subsidies or funds shall also be applicable to those operators who are taking early action.
Chapter 2	
Competent authorities and independent verification	
Article 4	AT: (Comments): Independent monitoring is supported by AT.

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Competent authorities	NL: (Comments): The Commission should clarify the role of the competent authorities in relation to verifiers and IMEO to ensure coordinated action and to avoid double verification.
1. Each Member State shall designate one or more competent authorities responsible for monitoring and enforcing the application of this Regulation.	IE: (Comments): We support the flexibility of designating multiple competent authorities if required.
Member States shall notify the Commission of the names and contact details of the competent authorities by ... [3 months after the date of entry into force of this Regulation]. Member States shall notify the Commission without delay of any changes to the names	HU: (Drafting): 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 States shall notify the Commission without delay of any changes to the names or contact details of the competent authorities. HU: (Comments):

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or contact details of the competent authorities.	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 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	

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1. The competent authorities shall take the necessary measures to ensure compliance with the requirements set out in this Regulation.	NL: (Comments): It is currently not possible to estimate what the text "Operators and mine operators shall provide the competent authorities with all assistance necessary" will mean - keep an eye out for (much) extra administration / correspondence. Clarification needed. HU: (Drafting): 1. The competent authorities Member States shall take the necessary measures to ensure compliance with the requirements set out in this Regulation. HU: (Comments): In our view the member states are responsible for the application of the regulation.
2. Operators and mine operators shall provide the competent authorities with all assistance necessary to enable or facilitate the performance of the	LV: (Comments): We suggest including at least the framework that defines “all assistance necessary” regarding the information that operators and mine operators shall provide to the competent authorities. Otherwise,

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tasks of the competent authorities referred to in this Regulation, notably as regards access to the premises and the presentation of documentation or records.	competent authorities may interpret “all assistance necessary” differently, and the responsibilities of operators and mine operators will be different in all countries. NL: (Drafting): 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 sites and the presentation of documentation or records. PL: (Drafting): Operators and mine operators shall provide the competent authorities with all possible assistance reasonably necessary to enable or facilitate the performance of the tasks of the competent authorities referred to in this Regulation and in coherence with existing regulation in place, notably as regards access to the sites premises and the presentation of documentation or records. PL: (Comments): Competent Authorities will have access to all reasonable information. Presumably, would be verifiers the one that would need detailed information about quantification and methodologies.
3. The competent authorities shall cooperate with each other and	IE:

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with the Commission and as necessary 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 information and best practices and allow for consultations.	(Comments): The IE NRA already cooperates fully in relation to gas transmission to a third country (UK). HU: (Drafting): 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 information and best practices and allow for consultations. HU: (Comments): Cooperation with 3rd countries should be optional. Cooperation does not guarantee a coordinated position or decision, there is no obligation for the 3rd country authorities to cooperate, and it is unlikely that there is an authority designated for the purpose of the Regulation in 3rd countries PL: (Drafting): 3. The competent authorities shall cooperate with each other and with the Commission and as necessary 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 information and best practices and allow for consultations. The scope of the

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	data should allow for protecting the confidentiality of commercially sensitive information of companies, so it shall be in aggregate form.
	NL: (Drafting): Competent Authorities shall review and approve the methane emissions mitigation plan submitted by the operators. NL: (Comments): The establishment of a methane emissions mitigation plan will ensure a prioritisation of those mitigation actions that enables the highest emissions reduction in the shortest time and at the lowest costs. The involvement of the National Competent Authorities is key, as this process will have an impact on both the end-consumers and the national decarbonisation strategy. PL: (Drafting): Competent Authorities shall review and approve the multi-year methane emissions mitigation plan submitted by the operators. PL: (Comments): The establishment of a multi-year methane emissions mitigation plan will ensure a prioritisation of those

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	mitigation actions that enables the highest emissions reduction in the shortest time and at the lowest costs. The involvement of the National Competent Authorities is key as this process will have an impact on both the end-consumers and the national decarbonisation strategy.
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.	NL: (Comments): From the perspective of transparency, there is agreement to make reports public. However, there must be understanding for exceptions, for example where company confidential information or security aspects are concerned. HU: (Drafting): 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. Commercially sensitive data should be handled accordingly. HU: (Comments): The handling of commercially sensitive data should be ensured. National provisions for critical infrastructure should be respected. PL: (Drafting): 5. Where reports are to be made public in accordance with this Regulation, the competent authorities

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	shall make them publicly available free of charge, on a designated website and in freely accessible, downloadable and editable format.
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.	NL: (Drafting): Where information is kept confidential in accordance with Article 4 of Directive 2003/4/EC and in regards of data protection for market functioning, the competent authorities shall indicate the type of information that has been withheld and the reason therefor. PL: (Drafting): Where information is kept confidential in accordance with Article 4 of Directive 2003/4/EC and in regards of data protection for market functioning the competent authorities shall indicate the type of information that has been withheld and the reason therefor. PL: (Comments): Information sharing should be coherent with additional obligations and regulation in place.
Article 6	DE:

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	(Comments): We suggest to clarify more precise in Article 6 who should assess the environmental risk. In addition we should clarify basic criteria for this assessment. DK: (Comments): In the ETS it has been shown that thorough monitoring, reporting and verification can be carried out without inspections by public authorities. Can the Commission explain why such inspections are found to be necessary in the Methane Regulation?
Inspections	
1. The competent authorities shall carry out periodic inspections to check the compliance of operators or mine operators with the requirements set out in this Regulation. The first inspection shall be completed by ... [18 months after the date of entry into	LV: (Drafting): The competent authorities shall carry out periodic inspections to check the compliance of operators or mine operators with the requirements set out in this Regulation. The first inspection shall be completed by... [18 months after the date of entry into force of this Regulation] shall start not earlier than... [12 months after the date of entry into force of this Regulation]. LV: (Comments):

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<i>force of this Regulation</i>].	Latvia can be flexible towards 18 months as a deadline for completion of the first inspection, yet we suggest to define the starting period. DE: (Comments): In case Chapter 4 Section III is not deleted: This is not necessary if a controlling mechanism is already established with the authorities. RO: (Comments): Romania underlines that the compliance with the provisions of the current proposed Regulation requires additional qualified human resources, in order to perform the inspections. CY: (Comments): Competent Authorities shall establish empowerment procedures for the persons that will carry out the inspections. We suggest the addition of a clause to regulate this need. NL: (Drafting): The competent authorities shall carry out periodic inspections based on a risk assesment to check the compliance of operators or mine operators with the requirements set out in this Regulation. The first inspection shall be completed by ... [18 36 months after the date of entry into force of this Regulation]. NL: (Comments):

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	- No relation between inspection frequency and the risk of leaks: NL has many small unmanned plants with minimal emissions. Better to visit large installations/emitters often and smaller ones less often. A suggestion could be to set up a risk-based system on the basis of which you determine an inspection frequency. - Also, visiting each year to carry out inspections leads to a greater environmental burden (heli flights and ships are needed offshore) than the environmental gain to be had from discovering (possible) small leaks. - Period for performing first inspections very short for number of production locations NL has (min. 3 years instead of 18 months) - Adding a threshold value for emissions can help, like in e-PRTR. HU: (Drafting): 1. The competent authorities shall carry out periodic inspections to check the compliance of operators or mine operators with the requirements set out in this Regulation. The first inspection shall be completed by ... [30 months after the date of entry into force of this Regulation]. HU: (Comments): 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 fulfilling the requirements set out in the draft (measures, repairs, other investments) will need longer time. PL:

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	(Drafting): 1. The competent authorities shall carry out periodic inspections if the need is identified to check the compliance of operators or mine operators with the requirements set out in this Regulation. The first inspection shall be completed by ... [18 months after the date of entry into force of this Regulation]. PL: (Comments): In order to reduce the administrative burden to both the operator and the competent authorities, we propose to eliminate the obligation of the periodic/routine/non-routine inspections. Operators will follow high-quality quality standards, such as ISO 55001, ISO 14001 and ISO 14064, to guarantee a good fulfilment of the set requirements and even to certify them. The right to inspection by the competent authority is always present when an issue is identified and/or when is required. The inspections should be aligned with additional obligations and regulations to avoid increasing the costs and administrative burden. To avoid double verification and to increase costs and administrative burden, competent authorities should evaluate the compliance of operators with this regulation, based on the verification already performed by the verifiers.
2. Inspections shall include, where relevant, site checks or field audits examination of documentation and records that	BE: (Drafting): 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

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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 requirements of this Regulation.	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 requirements of this Regulation. BE: (Comments): Facilities is not defined. Use ‘sites’ or ‘asset’ in this case. PL: (Drafting): Competent Authorities may launch inspection which could include Inspections shall include, where relevant, site checks or field audits examination of certified/audited 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 requirements of this Regulation. PL: (Comments): In order to reduce the administrative burden to both the operator and the competent authorities, we propose to eliminate the obligation of the periodic/routine/non-routine inspections. Operators will follow high-quality quality standards, such as ISO 55001, ISO 14001 and ISO 14064, to guarantee a good fulfilment of the set requirements and even to certify them. The right to inspection by the competent authority is always present when an issue is identified and/or when is required. The inspections should be aligned with

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	additional obligations and regulations to avoid increasing the costs and administrative burden. To avoid double verification and to increase costs and administrative burden, competent authorities should evaluate the compliance of operators with this regulation, based on the verification already performed by the verifiers.
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.	BE: (Comments): <u>Question</u> There is a need for a clear definition of a ‘serious breach’. In an ideal case, this should be quantified. This is important in order to create a level playing field between the member states. AT: (Comments): It is suggested to create a definition for the “serious breach” mentioned in Article 6, to be accompanied by examples if necessary, since the mention of “serious” suggests that there could also be other breaches. This is to ensure equal handling throughout the Union.
3. After the first inspection referred to in paragraph 1, the competent authorities shall draw up programmes for routine	IE: (Comments): In respect of inactive offshore infrastructure, the maximum period between inspections should be longer than two years.

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inspections. The period between inspections shall be based on an appraisal of the environmental risk and shall not exceed two years. Where an inspection has identified a serious breach of the requirements of this Regulation, the subsequent inspection shall take place within one year.	BE: (Drafting): 3. After the first inspection referred to in paragraph 1, the competent authorities shall draw up proportionate programmes for routine inspections. The period between inspections shall be based on an appraisal of the environmental risk and shall not exceed two years. Where an inspection has identified a serious breach of the requirements of this Regulation, the subsequent inspection shall take place within one year. NL: (Drafting): After the first inspection referred to in paragraph 1, the competent authorities shall draw up programmes for routine inspections. 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. NL: (Comments): Period of 2 years is very short. Not feasible for a small country with so many production locations. (Increase to 5 years) AT: (Comments): It is suggested to create a definition be created for the “serious breach” mentioned in Article 6, to be accompanied by examples if necessary, since the mention of “serious” suggests that there could also be other breaches. This is to ensure equal handling throughout the Union.

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	HU: (Drafting): The period between inspections may shall be based on an appraisal of the environmental risk and shall not exceed two years. Where an inspection has identified a serious breach of the requirements of this Regulation, the subsequent inspection shall take place within one year. HU: (Comments): We propose environmental risk assessment to be optional, which is a non-conventional task of the authorities. PL: (Drafting): 3. — After the first inspection referred to in paragraph 1, the competent authorities shall draw up programmes for routine inspections. The period between inspections shall be based on an appraisal of the environmental risk and shall not exceed two years. Where an inspection has identified a serious breach of the requirements of this Regulation, the subsequent inspection shall take place within one year PL: (Comments): In order to reduce the administrative burden to both the operator and the competent authorities, we propose to eliminate the obligation of the periodic/routine/non-routine inspections. Operators will follow high-quality quality standards, such as ISO 55001, ISO 14001 and ISO 14064, to guarantee a good fulfilment of

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	the set requirements and even to certify them. The right to inspection by the competent authority is always present when an issue is identified and/or when is required. The inspections should be aligned with additional obligations and regulations to avoid increasing the costs and administrative burden. To avoid double verification and to increase costs and administrative burden, competent authorities should evaluate the compliance of operators with this regulation, based on the verification already performed by the verifiers. 6 item 3 - should be clarified.
4. The competent authorities shall carry out non-routine inspections:	HU: (Comments): The proposed provisions are unnecessarily detailed in the context of regulating the procedures of Member States' authorities. PL: (Drafting): The competent authorities shall may carry out non-routine inspections: PL: (Comments): In order to reduce the administrative burden to both the operator and the competent authorities, we propose to eliminate the obligation of the periodic/routine/non-routine inspections. Operators will follow high-quality quality standards, such as ISO 55001, ISO 14001 and ISO 14064, to guarantee a good fulfilment of the set requirements and even to certify them. The right to inspection by the competent authority is always

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	present when an issue is identified and/or when is required. The inspections should be aligned with additional obligations and regulations to avoid increasing the costs and administrative burden. To avoid double verification and to increase costs and administrative burden, competent authorities should evaluate the compliance of operators with this regulation, based on the verification already performed by the verifiers.
(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;	PL: (Drafting): 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; PL: (Comments): In order to reduce the administrative burden to both the operator and the competent authorities, we propose to eliminate the obligation of the periodic/routine/non-routine inspections. Operators will follow high-quality quality standards, such as ISO 55001, ISO 14001 and ISO 14064, to guarantee a good fulfilment of the set requirements and even to certify them. The right to inspection by the competent authority is always present when an issue is identified and/or when is required. The inspections should be aligned with additional obligations and regulations to avoid increasing the costs and administrative burden. To avoid double verification and to increase costs and administrative burden, competent authorities should evaluate the compliance of operators with this regulation, based on the verification already performed by

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	the verifiers.
(b) to ensure that leak repairs or replacements of components were carried out in accordance with Article 14.	PL: (Drafting): to ensure that leak repairs or replacements of components were carried out in accordance with Article 14. PL: (Comments): In order to reduce the administrative burden to both the operator and the competent authorities, we propose to eliminate the obligation of the periodic/routine/non-routine inspections. Operators will follow high-quality quality standards, such as ISO 55001, ISO 14001 and ISO 14064, to guarantee a good fulfilment of the set requirements and even to certify them. The right to inspection by the competent authority is always present when an issue is identified and/or when is required. The inspections should be aligned with additional obligations and regulations to avoid increasing the costs and administrative burden. To avoid double verification and to increase costs and administrative burden, competent authorities should evaluate the compliance of operators with this regulation, based on the verification already performed by the verifiers.
5. Following each inspection, the competent authorities shall prepare a report describing the	DE: (Comments): To facilitate the work of compentent authorities we suggest to align the report with e. g. procedures/duties

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legal basis for the inspection, the procedural steps followed, the relevant findings and recommendations for the further action by the operator or mine operator.	based on IED or SEVESO standards. If additional information is required it could be referred on mechanismen based on Aarhus-Convention. AT: (Comments): With regard to Article 6, paragraph 5, it is suggested to include the option that reports on the inspections carried out could be combined so that a separate report would not necessarily have to be prepared for each inspection. HU: (Comments): 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 complainant, publicity). We propose to simplify the provisions and refer to the general rules of national administrative procedures. PL: (Drafting): 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. PL: (Comments): Reports should not be published that reveal proprietary information.

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Commission proposal	Drafting Suggestions Comments
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	

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information that has been withheld and the reason thereof.	
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: (Drafting): 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: (Comments): We propose to delete paragraph (6). If the authority adopts a decision, it is legally binding, its implementation does not need to be stated separately. PL: (Drafting): Operators and mine operators shall take all the necessary actions, after consideration of economic aspects, 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. PL: (Comments):

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Commission proposal	Drafting Suggestions Comments
	Economic considerations have to play a role in authorities' proceedings.
Article 7	
Complaints lodged with the competent authorities	NL: (Drafting): Complaints lodged with the competent authorities NL: (Comments): Regarding possible safety risks, that is the subject of separate legislation (e.g. the Seveso III Directive) and has no place here. HU: (Comments): 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	DE: (Comments): To facilitate and ensure a common understanding for the competent authorities in which case a “breach of requirements” has occurred and how to apply article 7 we suggest a specification e.g. rules of example. This could help minimise the regulatory burden.

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lodge a written complaint with the competent authorities.	CY: (Comments): How is the injury that one can suffer from a methane leak into the atmosphere defined and how can this be documented? It is very vague and will create problems for the competent authorities for the evaluation of complaints. The need for “injury” definition should be examined. NL: (Drafting): 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. NL: (Comments): It is unclear on what basis such persons could be harmed by methane emissions. After all, the effect is global and not local. AT: (Comments): • AT advocates a strong role for citizens and the possibility of making complaints by providing for the option to lodge a written complaint with the competent authorities. • It is suggested that a definition for the "suffered injury" mentioned in Article 7 be included and, if necessary, provided with examples in order to ensure equal handling throughout the

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	Union. HU: (Drafting): A) 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. B) In so far as measures applicable in accordance with respective national laws , 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. HU: (Comments): HU supports NL approach: It is unclear on what basis such persons could be harmed by methane emissions. After all, the effect is global and not local. Regarding possible safety risks, that is the subject of separate legislation (e.g. the Seveso III Directive) and has no place here

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	We propose reference to national laws to ensure enforceability. PL: (Drafting): 1. Any natural or legal person which considers that it has suffered injury as a result of may lodge a written complaint with the competent authorities on a possible breach of the requirements of this Regulation by operators or mine operators, PL: (Comments): Art. 7 does not specify what type of decision the competent authority is entitled to issue based on complaint lodged by natural or legal person i.e. it will decide on a) the actions given operator is obliged to take to comply with Regulation, b) on fines to be imposed on the operator or c) on some kind of compensation for injuries suffered by the complainant. In relation to point a) and b) it is be notice that such competences for competent authorities stemmed from Article 5 (1) in connection with Article 30. Therefore prosed Article 7 seems to be superfluous in that regard. Secondly, if the aim of this provision was to confer competences for national authorities to decide on compensations, this provision is definitely disproportionate. It should be emphasized that there was no evidence shown that already existed national procedures are not sufficient to protect the interests of natural ang legal persons. Therefore replacement of contradictory civil process with new administrative

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	proceedings is not in line with proportionality principle. Moreover, it will lead to waste of authorities resources, as their representatives will have to actively participate in judicial proceedings or any otherer complaints procedures initiated as a results of legal remedies taken by operator/mine operator or individuals concerned.
2. The complaints shall be duly substantiated and contain sufficient evidence of the alleged breach and of the injury resulting therefrom.	CY: (Comments): What is considered sufficient evidence to make a complaint? NL: (Drafting): 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	NL: (Drafting): 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. PL: (Drafting):

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Commission proposal	Drafting Suggestions Comments
investigation.	2. The complaints shall be duly substantiated and contain sufficient evidence of the alleged breach and of the injury resulting therefrom.
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 alternative forms of redress, such as recourse to national courts or any other national or international complaints procedure.	NL: (Drafting): 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 alternative forms of redress, such as recourse to national courts or any other national or international complaints procedure. AT: (Comments): Notwithstanding AT's support for a strong role of citizens the very comprehensive regulation provided for in Article. 7 para. 4 might need to be examined more closely. PL: (Drafting): 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.
5. Without prejudice to the rules applicable pursuant to	NL: (Drafting): 5. Without prejudice to the rules applicable pursuant to national law and on the basis of comparable

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Commission proposal	Drafting Suggestions Comments
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.	procedures, the competent authorities shall establish and make publicly available indicative periods to take a decision on complaints. PL: (Drafting): 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 alternative forms of redress, such as recourse to national courts or any other national or international complaints procedure.
Article 8	DK: (Comments): Could the Commission comment on whether the Methane Regulation's provisions on verification could be shaped closer in line with the MRV rules of the ETS Directive. Ideally, the Methane Regulation could just refer to relevant parts of the existing Verification Regulation 2018/2067, which is already well known by verifiers, authorities and many operators alike. (this comment is also relevant for article 9) HU: (Comments): HU supports NL approach and can be flexible to delete this Article from the text.

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Commission proposal	Drafting Suggestions Comments
Verification activities and verification statement	
1. Verifiers shall assess the conformity of the emissions reports submitted to them by operators or mine operators in accordance with this Regulation. They shall assess the conformity of the reports with the requirements laid down in this Regulation and review all data sources and methodologies used in order to assess their reliability, credibility and accuracy, in particular the following points:	NL: (Drafting): 1. Verifiers shall assess the conformity of the emissions reports submitted to them by operators or mine operators in accordance with this Regulation. They shall assess the conformity of the reports with the requirements laid down in this Regulation and review all data sources and methodologies used in order to assess their reliability, credibility and accuracy, in particular the following points: NL: (Comments): Although we understand the vision behind this article, we can't agree to this. This article will result in very heavy burden. Adding threshold in line with ePRTR may lead to large reduction of number of installations but monitoring burden will still be very high. Furthermore, it has already been established under the ETS that independent verification of CO2 emissions from 28 NL ETS installations is already difficult: the independent verifiers do not have sufficient capacity to carry out site visits. This would be even more true if independent verification of methane emissions from hundreds of installations had to take place (in NL about 500 locations (on- and offshore)). We would like to think about possibilities to make this article more feasible, for instance:

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	Less tasks for the competent authority, but the CA would be checking the independent verifiers. This might help to keep the administrative burden somehow doable. PL: (Drafting): 1. Verification activities shall be aligned with current practices and other obligations for the avoidance of increased efforts for both operator and competent authorities. Verifiers shall assess the conformity of the emissions reports submitted to them by operators or mine operators in accordance with this Regulation. They shall assess the conformity of the reports with the requirements laid down this Regulation and review all data sources and methodologies used in order to assess their reliability, credibility and accuracy, in particular the following points: PL: (Comments): Verification of operators' reporting is part of the core responsibilities of mining authorities. There is no need to employ outside consultancies for this task. Additional remark: No information available on costs of verifiers' operations. Due to the need for an independent verifier to verify the conformity of reports, it should be clarified whether this verifier would act (as in the case of the EU-ETS system) at the expense of the operator on the basis of contracts concluded, or whether the verifier will be appointed by the competent authority and perform (independent) verifications on its behalf. There is currently a lack of verifiers in Poland in this respect - the regulation should take into

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	account the time needed for verifiers to obtain accreditation.
(a) the choice and employment of emission factors;	NL: (Drafting): (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;	NL: (Drafting): (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;	NL: (Drafting): (c) any risks of inappropriate measuring or reporting;
(d) any quality control or quality assurance systems applied by the operators or mine operators.	NL: (Drafting): (d) any quality control or quality assurance systems applied by the operators or mine operators.

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Commission proposal	Drafting Suggestions Comments
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.	BE: (Comments): <u>Question</u> Can the 'international standards' be specified? This is important in order to create a level playing field. NL: (Drafting): 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. PL: (Drafting): 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 provide information on the standards that have been applied by them to the verifiers for the purpose of verification procedure.

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Verifiers may conduct site checks to determine the reliability, credibility and accuracy of the data sources and methodologies used.	NL: (Drafting): 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.	NL: (Drafting): 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	NL: (Drafting): 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

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methane emissions to be determined with a reasonable degree of certainty and provided the reported data is coherent with the estimated data, complete and free of inconsistencies.	provided the reported data is coherent with the estimated data, 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.	NL: (Drafting): 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	NL: (Drafting): 4. — Operators and mine operators shall provide the verifiers with all the assistance necessary to enable

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enable or facilitate the performance of the verification activities, notably as regards access to the premises and the presentation of documentation or records.	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 incorporating and setting out the applicability of European or international standards on methane emissions quantification and measurement for the purposes of this Regulation.	NL: (Drafting): 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 31 to supplement this Regulation by incorporating and setting out the applicability of European or international standards on methane emissions quantification and measurement for the purposes of this Regulation. HU: (Drafting): 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 31 to supplement this Regulation by incorporating and setting out the applicability of European or international standards on methane emissions quantification and measurement for the purposes of this Regulation. HU: (Comments): We do not support the empowerment of the Commission. Member States would have no substantial influence on the legislation and the adaptation of the measurement methodology can generate significant investment needs throughout the value chain, which could lead to an unjustified increase in costs.

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	PL: (Drafting): 6. Costs incurred by operator that are derived from the verification activities shall be accounted in their respective tariffs.
Article 9	DK: (Comments): Please see comment to Article 8 HU: (Comments): HU supports NL approach to delete this Article.
	NL: (Drafting):
Independence and accreditation of verifiers	DE: (Comments): We see the need to clarify if there are sufficient third party verifiers in the MS/EU available from the beginning. If not we suggest to amend the transitional provisions in Article 9.

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	AT: (Comments): Independent monitoring is supported by AT.
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.	NL: (Drafting): 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. NL: (Comments): See art. 8

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2. Verifiers shall be accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008.	BE: (Comments): <u>Question</u> Is an accredited verifier of EU country ‘A’ also allowed to operate as a verifier in EU country ‘B’? <u>Question</u> What must a member country do in the hypothetical case it cannot appoint a verifier because there were no companies willing to apply for this function? NL: (Drafting): 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.	NL: (Drafting): 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.

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Commission proposal	Drafting Suggestions Comments
Article 10	
International Methane Emissions Observatory	NL: (Comments): It should be clarified how the verification task of the IMEO relates to the task of the national verifier and national competent authority.
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 particular with regard to the following tasks:	DE: (Comments): We suggest to clarify the role of the national competent authorities/ national verifiers and the IMEO, specifically if this implies duplication of tasks. HU: (Comments): 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 tasks.
(a) aggregation of methane emissions data in accordance with appropriate statistical methods;	

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(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 reporting, classified by operated and non-	BE: (Drafting): (d) publication of aggregated companies reported data by core source and by level of reporting, classified by operated and non-operated assets, in compliance with competition and confidentiality

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operated assets, in compliance with competition and confidentiality requirements;	requirements; BE: (Comments): ‘Companies’ is not defined. Please clarify the origin of reported data: from Member State or operator / mine operator or undertakings or the EU Commission. NL: (Drafting): (d) publication of aggregated company reported data by core source and by level of reporting, classified by operated and non-operated assets, in compliance with competition and confidentiality requirements; NL: (Comments): Prevent double verification. More clarification needed, what is a core source? AT: (Comments): If company-specific data is published or intended to be published, any such publication must be complete insofar as it reflects the entire market in all its essential parts and thus does not lead to a distorted presentation of the overall picture.
(e) reporting of findings on major discrepancies between data	PL: (Drafting):

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sources.	(d) reporting of findings on major discrepancies between data sources, scientifically contributing to build more robust methodologies. PL: (Comments): IMEO shall base their reports on scientific publications/studies and the progressive evolution of scientifically-based 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.	PL: (Drafting): 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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Commission proposal	Drafting Suggestions Comments
Chapter 3	
Methane emissions in the oil and gas sectors	
Article 11	
Scope	
This Chapter applies to the activities referred to in points (a) and (b) of Article 1(2).	DE: (Drafting): This Chapter applies to the activities within the EU referred to in points (a) and (b) of Article 1(2). DE: (Comments): Clarification of scope. NL: (Drafting): This Chapter applies to the activities referred to in points (a) and (b) of Article 1(2) for all assets in the EU.

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	The operator is responsible. NL: (Comments): What to do with hydrocarbons (oil and gas) that come along with the extraction of geothermal heat? Asset obligations for companies should only apply to those located within the EU. It's impossible for a company to comply with these rules f.i. when the asset is located in Russia. In accordance with Article 1, all emissions from assets located in the EU will be reported via their own operator. This avoids any double reporting by owners of non-operated assets. HU: (Drafting): This Chapter applies to the activities within the EU referred to in points (a) and (b) of Article 1(2). HU: (Comments): Hungary supports DE clarification proposal also flexible to delete inactive wells from the scope. PL: (Drafting): This Chapter applies to the activities referred to in points (a) and (b) of Article 1(2) for all assets in the

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	EU. The operator of the asset will be responsible to comply with the provisions of Chapter 3. PL: (Comments): Under Article 1, all emissions from assets located in the EU are reported through their own operator. This avoids overlapping reporting by owners of unattended assets.
Article 12	DK: (Comments): Denmark would prefer the Methane Regulation's rules on monitoring and reporting of emissions to be harmonized with the MRV rules in the ETS Directive. The MRV rules under OGMP and ETS should be viewed as complementing each other, rather than as a competing sets of rules: Could the Commission comment on whether the Methane Regulation's provisions on monitoring and reporting could be shaped closer in line with the MRV rules of the ETS Directive? Ideally, the Methane Regulation could in many cases just refer to relevant parts of the existing ETS MRV Regulation 2018/2066, which is already well known by authorities and verifiers as well as a number of operators.
Monitoring and reporting	DE: (Comments): See our comments on article 9 regarding capacities of verifiers. Transitional phase may be needed

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	DK: (Comments): The facilities and installations covered by the regulation, and in particular offshore oil and gas production platforms, are often characterized by having numerous smaller sources, and it can be associated with great challenges and disproportionate costs if all sources, regardless of size, are to be measured directly. Denmark suggests that it is considered to allow operators to quantify smaller sources and/or difficult-to-measure sources by methods other than direct measurement. NL: (Comments): The proposed M&R obligations differ from OGMP 2.0 in important ways. - o The terms measurement and quantification are used interchangeably. - o More importantly, OGMP 2.0 allows for choices in measurement efforts based on risk/size of methane emissions from various types of sources. - o The stated time frames of 12, 24, and 36 months are stated to meet certain requirements without distinguishing between types of sources including the distinction between overhead and underground pipes. The OGMP does allow certain sources that have low emission volumes or are more difficult to determine to be reported at a lower level. Annual site measurement of CH₄: What is the relationship with eprtr? AT: (Comments):

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	1. Question to the European Commission how the timely availability of a reliable (uniform) method for "site-level measurements" can be granted? It should be ensured that "site-level measurements" deliver reliable results. Only then the plausibility of aggregated "source-level" measurement data could be assessed on the basis of additionally carried out "site-level" measurements. 2. AT proposal to set May 31st as the date for the annual reporting (instead of March 30th) (inter alia to allow for sufficient time for the verification activities of the “verifiers”).
1. By ... [12 months from the date of entry into force of this Regulation], operators shall submit a report to the competent authorities containing source-level methane emissions estimated using generic but source-specific emission factors for all sources.	LV: (Comments): Clarification is needed on the content of the report to evaluate if it is possible to submit the report in 12 months. SI: (Drafting): By ... [1236 months from the date of entry into force of this Regulation],.. SI: (Comments): To give enough time. The timeline in the following paragraphs should be adjusted to reflect the later start date. RO:

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	(Comments): Regarding the proposed deadlines for the submission of a report to the competent authorities containing source-level methane emissions estimated using generic but source-specific emission factors for all sources, Romania considers that the provisions are too strict, the deadlines for implementing the monitoring and reporting obligations are rather short and the impact on the increase in administrative burden is expected to be significant. CZ: (Drafting): 1. By ... [1218 months from the date of entry into force of this Regulation], operators shall submit a report to the competent authorities containing source-level methane emissions estimated using generic but source-specific emission factors for all sources. CZ: (Comments): 12 months would be feasible for OGMP members but very challenging for non-OGMP members. New proposal is 18 months. Operators should be given sufficient time to prepare and implement all measures under the proposed Regulation. NL: (Drafting): By ... [1218 months from the date of entry into force of this Regulation], operators shall submit a report to the competent authorities containing source-level methane emissions estimated using generic but source-

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	specific emission factors for all sources above the threshold as mentioned in the e-PRTR for methane emissions. NL: (Comments): Right now the same regime for satellites with minimal methane emissions as for central treatment sites where the emission risk profile is higher. This is contrary to the principle of proportionality and materiality. NL prefers site-level measurements only when emissions from an installation exceed a minimum threshold to avoid disproportionate reporting efforts of very minor emission sources. This is also relevant in light of the OGMP 2.0 principle of “de minimis”. Reference: OGMP General principle Technical Guidance Document: “De minimis sources: De minimis (very minor) emission sources are out of scope of reporting.” 12 months would be fine for OGMP members but very challenging for non-OGMP members, hence a new proposal for 18 months. HU: (Drafting): 1. By ... [18 months from the date of entry into force of this Regulation], operators shall submit a report to the competent authorities containing source-level methane emissions estimated using generic but source-specific emission factors for all sources.

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	HU: (Comments): We support the provision, but a longer period is needed, taking into account the time required for the designation and operation of the new authority. PL: (Drafting): Until the European standards are available methane emissions quantification and reporting for gas infrastructure shall be conducted according to appropriate and widely accepted guidelines technical guides and principles such as materiality, sampling strategy. PL: (Comments): The given wording proposal will enable the application of the OGMP principles and OGMP Technical Guidelines, as this is currently the best available methodology for MRV at the level of gas transmission, distribution and storage system operators. The principles could be part of the work and experience for a possible CEN technical standard to ensure the involvement of European stakeholders and some sort of consistency of action in light of methane emission reporting.
	PL: (Drafting): I. By ... [12 18 months from the date of publication of the reporting template described in the last

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	paragraph of Article 12(6)entry into force of this Regulation, operators shall submit a report to the competent authorities containing source-level methane emissions estimated using generic but source-specific emission factors for all sources. Other quantification methods with at least the same level of accuracy are allowed. PL: (Comments): The measurement requirements are stringent and require a lot of preparation on the part of the operators such as for example, preparing a catalog of all the elements that should be monitored. However, there is a lack of information on reference methodologies for sampling and laboratory determinations as well as on measurement conditions (distance, altitude, weather conditions). It will also be necessary to develop an approach to measurements - e.g. a decision on the profitability of purchasing appropriate instrumentation or providing an external company with the service of measuring methane emissions. Taking into account deadlines for submitting the reports, one should take into account the verifier's timely opinion accompanying each report, the timing of which is beyond the operator's control (thus, an independent factor may affect the risk of the operator's failure to meet the deadline). The deadlines for the verifier and the operator should be separated. The regulation assumes performing measurements in accordance with European (CEN) or international

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	(ISO) standards concerning quantification of methane emissions. Taking into account that we are dealing with a potentially huge number of connections and elements (tens or even hundreds of thousands) which may be covered by the requirements of the regulation, reporting after 24 months from the date of entry into force of the regulation is technically impossible. It should also be borne in mind that the measurement of samples in the laboratory will not take place in real time, but with a certain delay, and may therefore not be fully reliable. Furthermore, with fugitive emissions, these measurements are based on a single sample from a cloud of leakage material. On its basis, the concentration of methane in the cloud can be approximated, however, it is difficult to determine the amount of emission - it can be estimated. Taking into account all above, deadlines for report submitting should be extended. The concept of “negligible” is necessary to avoid disproportionate reporting efforts of very minor emission sources. 12 months would be very challenging for operators thus it is proposed to extend it to 18 months.
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 of source-level methane emissions for operated	LV: (Comments): We recommend to align the timing to the framework envisaged in OGMP (Oil and Gas Methane Partnership) 2.0 for different reporting layers. DE: (Drafting):

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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.	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 direct 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 DE: (Comments): See our comments on article 2 (12). RO: (Comments): Regarding the proposed deadlines for the submission of a report to the competent authorities containing direct measurements of source-level methane emissions for operated assets, Romania considers that the provisions are too strict, the deadlines for implementing the monitoring and reporting obligations are rather short and the impact on the increase in administrative burden is expected to be significant. CZ: (Drafting): 2. By ... [2430 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 engineering calculations, source-level measurement, and sampling as the basis for establishing specific emission factors used for emissions estimation. CZ:

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	(Comments): Time extension in accordance with paragraph 1 was proposed. In some cases, direct measurements are not feasible or do not lead to higher data accuracy in comparison with an engineering calculation or other quantification methods. We therefore recommend using the term “quantification” instead of “measurement”. BE: (Drafting): 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 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. BE: (Comments): Quantification includes calculation, measurement, estimation based on modelling and source-level specific emission factors. Not all emissions can be measured. NL: (Drafting): 2. By ... [30 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

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	emissions above the threshold als follows from the ePRTR for operated assets. Reporting at such level may will involve the use of source-level measurement and sampling as the basis for establishing specific emission factors used for emissions estimation a combination of measurements, engineering calculation, simulations and measurement-based emission factors for non- de minimis but material sources and generic emission factors for non-de minimis but non-material sources. In the latter case other quantification methods with at least the same level of accuracy are allowed. NL: (Comments): The concept of a threshold is necessary to avoid disproportionate reporting efforts of very minor emission sources, this is corresponding to the E-PRTR principle. 24 months would be fine for OGMP members but very challenging for non-OGMP members, hence a new proposal for 30 months. “Also” leaves room for interpretation and should be deleted. The reference to a “combination of measurements, engineering calculation, simulations and measurement-based emission factors” is compliant with OGMP 2.0 framework, depending on the different Technical Guidance Documents and is therefore consistent with recital (16) that encourage the use of OGMP 2.0 framework.

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	The paragraph has been modified in order to be in alignment with OGMP 2.0 Level 3 / 4 considerations. HU: (Drafting): 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 engineering calculations source-level measurement and sampling as the basis for establishing specific emission factors used for emissions estimation. HU: (Comments): The proposed provision creates significant investment and human resources needs. We propose to use estimation option to large number of wells on a site and in case of national infrastructure to economically justifiable units. We also support DE, CZ, NL proposals. PL: (Drafting): 2. By ... [24 30 months from the date of publication of the reporting template described in the last paragraph of Article 12(6) entry into force of this Regulation], operators shall also submit a report to the competent authorities containing direct measurements or quantifications of source-level methane emissions for operated assets.

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3. By ... [36 months from the date of entry into force of this Regulation] and by 30 March every year thereafter, operators shall submit a report to the competent authorities containing direct measurements 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.	LV: (Drafting): By ... [36 months from the date of entry into force of this Regulation] and by 30 March every year every second year thereafter, operators shall submit a report to the competent authorities containing direct measurements 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. LV: (Comments): “measurements of site-level methane emissions” – we would like to point out whether it is appropriate to ask each operator for this procedure, as well as whether a three years period is sufficient for purchase and calibration of the necessary equipment. DE: (Comments): We suggest clarification on this to may exclude or estimate external factors like wind, natural emissions from peat bogs etc. RO: (Comments): Regarding the proposed deadlines for the submission of a report to the competent authorities containing direct measurements of source-level methane emissions for operated assets referred to in paragraph 2,

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	complemented by measurements of site-level methane emissions, Romania considers that the deadlines for implementing the monitoring and reporting obligations are rather short and could possibly be extended, while the increase in administrative burden is expected to be significant. CZ: (Drafting): 3. By ... [3642 months from the date of entry into force of this Regulation] and by 31st 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 assessment of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site. If the technologies for site-level measurement do not reach satisfactory technology readiness levels, adequate accuracy and market availability operators can request the competent authorities to postpone site-level measurements. CZ: (Comments): Time extension in accordance with paragraph 1 was proposed. The site-level technologies are currently evolving, and their availability and accuracy cannot be guaranteed. BE: (Drafting): 3. By ... [36 months from the date of entry into force of this Regulation] and by 30 March every year thereafter, operators shall submit a report to the competent authorities containing quantification direct measurements of source-level methane emissions for operated assets referred to in paragraph 2,

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	complemented by measurements of site-level methane emissions, thereby allowing assessment and verification of reconciliation with the source-level estimates quantification aggregated by site. BE: (Comments): Quantification includes calculation, measurement, estimation based on modelling and source-level specific emission factors. Not all emissions can be measured. Avoid using the word ‘verification’ in this case to avoid confusion with Art 8. NL: (Drafting): By ... [42 36 months from the date of entry into force of this Regulation] and by 30 March 31st May every year thereafter, operators shall submit a report to the competent authorities containing direct measurements quantification of source-level methane emissions for emission sources higher than the threshold as follows from the E-PRTR for operated assets referred to in paragraph 2, complemented by measurements assessment of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site provided this site-level methane quantification is sufficiently available. NL: (Comments): Currently available site-level assessment-techniques can only provide qualitative information which can contribute to assess the source-level quantification aggregated by site.

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	Reconciliation for the large sites like production facilities, compressor stations, gas storage and LNG terminals will become mandatory once the site-level reconciliation techniques and methodology are described by CEN standards and sufficiently available in the market. If the reconciliation is successful two years in a row, the site level measurement periodicity can be extended to a period to be agreed upon with competent authorities. 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 midstream and downstream, hence, the comparison between "source-level" and "site-level" measurements is not yet possible. Currently available site-level assessment-techniques can only provide qualitative information for larger sites (for example 50m x 50m) that can help to reconcile the source level quantification. Details on reconciliation techniques and methodologies should be described in a CEN standard. Moreover, reconciliation measures are to be available in the market to assure access to every infrastructure operator. Extending the deadline to 31st May is necessary for many companies as it is challenging to gather and verify all the data. The deadline would have to be in line with the OGMP deadline reporting date (31st May). AT: (Comments): See above. HU:

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	(Drafting): 3. By ... [3642 months from the date of entry into force of this Regulation] and by 31st 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 assessment of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site. If the technologies for site-level measurement do not reach satisfactory technology readiness levels, adequate accuracy and market availability operators can request the competent authorities to postpone site-level measurements. HU: (Comments): The proposed provision creates significant investment and human resources needs. HU supports CZ, NL reasoning. Time extension in accordance with paragraph 1 was proposed. The site-level technologies are currently evolving, and their availability and accuracy cannot be guaranteed. PL: (Drafting): 3. By ... [36 42 months from the date of publication of the reporting template described in the last paragraph of Article 12(6) entry into force of this Regulation] and by 30 March 31 may every year thereafter, operators shall submit a report to the competent authorities containing direct measurements or quantifications of source-level methane emissions for operated assets referred to in paragraph 2,

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	complemented by measurements or quantifications of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site.
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.	
4. By ... [36 months from the date of entry into force of this Regulation], undertakings established in the Union shall submit a report to the competent authorities containing direct measurements of source-level methane emissions for non-	DE: (Drafting): 4. By ... [36 months from the date of entry into force of this Regulation], undertakings established in the Union shall 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. DE:

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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.	(Comments): Regarding Nr. (1) and (2) of article 12 we suspect that Nr. (4) could lead to double counting of operator and owner. If so we may have to change also text in (6e) (6f) (7). DK: (Comments): Denmarks suggests to consider whether it is nessecary to require reporting and verification from non-operated assets. This could give rise to double reporting, as the operator already must live up to the requirements in article 12 paragraphs 1 - 3 RO: (Comments): Regarding the proposed deadlines for the submission of a report to the competent authorities containing direct measurements of source-level methane emissions for non-operated assets, Romania considers that the deadlines for implementing the monitoring and reporting obligations are relatively short and could possibly be extended, while the increase in administrative burden is expected to be significant. BE: (Drafting): 4. By ... [36 months from the date of entry into force of this Regulation], undertakings established in the Union shall submit a report to the competent authorities of the Member state(s) where they own assets 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. BE:

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	(Comments): Need to specify in which MS the reporting is due, either where is located the asset or where the undertaking is established. NL: (Drafting): By ... [36 months from the date of entry into force of this Regulation], undertakings established in the Union shall 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. NL: (Comments): Asset obligations for companies should only apply to those located within the EU. It's impossible for a company to comply with these rules f.i. when the asset is located in Russia. In accordance with Article 1, all emissions from assets located in the EU will be reported via their own operator. This avoids any double reporting by owners of non-operated assets. Also: direct measurement. HU: (Drafting): 4. By ... [36 months from the date of entry into force of this Regulation], undertakings established in the Union shall submit a report to the competent authorities containing direct measurements of source level

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	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. HU: (Comments): The term non-operated assets should be clarified. 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. 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. PL: (Drafting): 4. By ... [36 42 months from the date of publication of the reporting template described in the last paragraph of Article 12(6) entry into force of this Regulation], undertakings established in the Union shall submit a report to the competent authorities containing direct measurements or quantifications of source-level methane emissions for non-operated assets. Reporting at such level may involve the use of source-level measurement or quantifications and sampling as the basis for establishing specific emission

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	factors used for emissions estimation PL: (Comments): The list of non-operated assets is much longer than those still operated. However, as a matter of policy, when a well is non-operated, soil air is measured and the well is shut in. In the case of oil and gas mining, closed wells do not produce measurable levels of methane emissions. Given this, and the fact that in the case of closed installations other than wells, the land is given back to the owner and there is no physical way to measure emissions (only remotely by drone, and then the quantification can be unreliable by natural emissions occurring due to decay processes). We propose to change the definition of non-operated to include wells that have not been decommissioned, only not operated for a period of time. This is all the more reasonable as Polish law does not allow for abandoning a well without decommissioning. With respect to other installations, it may be assumed that after a certain number of quantifications (e.g. for 5 years), which would show zero emissions, metering could be discontinued.
5. By ... [48 months from the date of entry into force of this Regulation] and by 30 March every year thereafter, undertakings established in the Union shall submit a report to the competent	DE: (Drafting): 5. By ... [48 months from the date of entry into force of this Regulation] and by 30 March every year thereafter, undertakings established in the Union shall submit a report to the competent authorities containing direct measurements of source-level methane emissions for non-operated assets as set out in paragraph 4, complemented by measurements of site-level methane emissions, thereby allowing assessment

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authorities containing direct measurements of source-level methane emissions for non-operated assets as set out in paragraph 4, complemented by measurements of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site.	and verification of the source-level estimates aggregated by site DE: (Comments): See comments above DK: (Comments): See comment to paragraph 4 RO: (Comments): Regarding the proposed deadlines for the submission of a report to the competent authorities containing direct measurements of source-level methane emissions for non-operated assets as set out in paragraph 4, complemented by measurements of site-level methane emissions, Romania considers that the deadlines for implementing the monitoring and reporting obligations are relatively short and could possibly be extended, while the increase in administrative burden is expected to be significant. BE: (Drafting): 5. By ... [48 months from the date of entry into force of this Regulation] and by 30 March every year thereafter, undertakings established in the Union shall submit a report to the competent authorities of the Member state(s) where they own assets containing direct measurements quantification of source-level methane emissions for non-operated assets as set out in paragraph 4, complemented by measurements of site-level methane emissions, thereby allowing assessment and verification of reconciliation with the

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	source-level estimates aggregated by site. BE: (Comments): Need to specify in which MS the reporting is due, either where is located the asset or where the undertaking is established. Quantification includes calculation, measurement, estimation based on modelling and source-level specific emission factors. Not all emissions can be measured. Avoid using the word ‘verification’ in this case to avoid confusion with Art 8. NL: (Drafting): By ... [48 months from the date of entry into force of this Regulation] and by 30 March every year thereafter, undertakings established in the Union shall submit a report to the competent authorities containing direct measurements of source-level methane emissions for non-operated assets as set out in paragraph 4, complemented by measurements of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site. NL: (Comments): Asset obligations for companies should only apply to those located within the EU. It's impossible for a company to comply with these rules f.i. when the asset is located in Russia. In accordance with Article 1, all

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	emissions from assets located in the EU will be reported via their own operator. This avoids any double reporting by owners of non-operated assets. The technique for site level measurements are insufficiently developed onshore and offshore so it is not expected that reliable results will follow. AT: (Comments): See above. HU: (Drafting): By ... [48 months from the date of entry into force of this Regulation] and by 30 March every year thereafter, undertakings established in the Union shall submit a report to the competent authorities containing direct measurements of source level methane emissions for non-operated assets as set out in paragraph 4, complemented by measurements of site level methane emissions, thereby allowing assessment and verification of the source level estimates aggregated by site. HU: (Comments): Asset obligations for companies should only apply to those located within the EU. It's impossible for a company to comply with these rules f.i. when the asset is located in Russia. In accordance with Article 1, all emissions from assets located in the EU will be reported via their own operator. This avoids any double

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	reporting by owners of non-operated assets. The technique for site level measurements are insufficiently developed onshore and offshore so it is not expected that reliable results will follow. PL: (Drafting): 5. By ... [48 months from the date of publication of the reporting template described in the last paragraph of Article 12(6) entry into force of this Regulation] and by 30 March every year thereafter, undertakings established in the Union shall submit a report to the competent authorities containing direct measurements or quantifications of source-level methane emissions for non-operated assets as set out in paragraph 4, complemented by measurements or quantifications of site-level methane emissions, thereby allowing assessment and verification of the source-level estimates aggregated by site. Where five subsequent measurements or quantifications of non-operated assets prove no methane emissions, such inactive well shall be considered emission-free and no further quantifications and reports will be required.
Before submission to the competent authorities, undertakings shall ensure that the reports set out in this paragraph are assessed by a	PL: (Drafting): Before submission to the competent authorities, operators shall ensure that the reports set out in this

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verifier and include a verification statement issued in accordance with Articles 8 and 9.	paragraph are assessed by a verifier and include a verification statement issued in accordance with Articles 8 and 9. <u>Verification statements shall be provided by the verifier to the operator no later than XX months after submission of the report.</u>
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, individual, emission source type;	CZ: (Drafting): (b) data per detailed, individual, emission source type; CZ: (Comments): Detailed reporting per <u>individual</u> emission source type as requested by this proposal is not proportionate to the purpose of the proposed Regulation and the additional reporting effort and administrative burden are

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	unjustified compared to the measures. NL: (Drafting): (b) data per detailed, individual, emission source type; NL: (Comments): Detailed reporting per individual emission source type is not proportionate to the purpose, and the additional reporting effort and administrative burden unjustified compared to the measures. HU: (Drafting): (b) data per detailed, individual, emission source type; HU: (Comments): HU supports CZ: Detailed reporting per individual emission source type as requested by this proposal is not proportionate to the purpose of the proposed Regulation and the additional reporting effort and administrative burden are unjustified compared to the measures. PL: (Drafting): (b) data per detailed, individual, emission source type;

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	PL: (Comments): The detailed source-by-sourceDetailed reporting of methane emissions underper <u>individual</u> emission source type as requested by this proposal in the "Methane Regulation" is not proportionate to the purpose, and the additional reporting effort and administrative burden is unjustified compared to the meansmeasures.
(c) detailed information on the quantification methodologies employed to measure methane emissions;	CZ: (Drafting): (c) detailed information on the quantification methodologies employed to measure quantify methane emissions; CZ: (Comments): Detailed reporting per <u>individual</u> emission source type as requested by this proposal is not proportionate to the purpose of the proposed Regulation and the additional reporting effort and administrative burden are unjustified compared to the measures. HU: (Drafting): (c) detailed information on the quantification methodologies employed to measure quantify methane emissions; HU: (Comments):

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	HU supports CZ proposal. Detailed reporting per <u>individual</u> emission source type as requested by this proposal is not proportionate to the purpose of the proposed Regulation and the additional reporting effort and administrative burden are unjustified compared to the measures. PL: (Drafting): (c) detailed information on the quantification methodologies employed to measure or quantify methane emissions;
(d) all methane emissions for operated assets;	
(e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership;	DE: (Drafting): (e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership; DE: (Comments):

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	If 100% of emissionen will be reported by the operator we suspect „double counting” due to (6e) and (6f) of Artikel 12. NL: (Drafting): (e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership; NL: (Comments): Points (e) and (f) are to be removed following the logic of the amendment for Article 11. HU: (Drafting): (e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership; HU: (Comments): HU supports DE proposal PL: (Drafting): (e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership;

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(f) a list of the entities with operational control of the non-operated assets.	DE: (Drafting): (f) a list of the entities with operational control of the non-operated assets. DE: (Comments): See comment above. NL: (Drafting): (f) a list of the entities with operational control of the non-operated assets. HU: (Drafting): (f) a list of the entities with operational control of the non-operated assets. HU: (Comments): HU supports DE proposal PL: (Drafting):

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	(f) a list of the entities with operational control of the non-operated assets.
The Commission shall, by means of implementing acts, lay down a reporting template for the reports under paragraphs 2, 3, 4 and 5. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).	
7. For site-level measurements referred to in paragraphs 3 and 5, appropriate quantification technologies shall be used which can provide such measurements.	RO: (Comments): In order to accelerate the digitalization of the oil and gas industry, in order to reduce methane emissions, targeted support measures provided by the European Commission are needed at the level of the Member States to advance the technological development of their measurement and reporting systems and to integrate the necessary measures with those which are economically feasible. BE: (Drafting): 7. For site-level measurements referred to in paragraphs 3 and 5, appropriate quantification best

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	available technologies shall be used which can provide such measurements. NL: (Drafting): For site-level measurements referred to in paragraphs 3 and 5, appropriate quantification technologies shall be used which can provide such measurements. NL: (Comments): 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) AT: (Comments): See above. HU: (Drafting):

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	7. For site-level measurements referred to in paragraphs 3 and 5, appropriate quantification technologies shall be used which can provide such measurements. HU: (Comments): HU supports NL approach 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 measurement,	CZ: (Drafting): 8. In the case of significant discrepancies between the emissions quantified using source-level methods and those resulting from site-level measurement assessment, additional measurements shall be carried out within the same reporting period. operators shall provide reasoning for the discrepancy. If the

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additional measurements shall be carried out within the same reporting period.	discrepancy is not due to the uncertainty of employed quantification technology, competent authorities may request an additional measurement within the same reporting period. CZ: (Comments): This amendment aims to avoid situations where a reconciliation of site- and source-level methods cannot be reached due to the low accuracy of site-level methods. Operators would be forced to repeat the measurements without a chance for a successful reconciliation. NL: (Drafting): 8. — In the case of significant discrepancies between the emissions quantified using source-level methods and those resulting from site-level measurement, additional measurements shall be carried out within the same reporting period. NL: (Comments): The top-down approach as described is an as of now unproven method, this will result in an endless repeating cycle while ending up with the same results. This article therefore requires further elaboration. Measures to be taken because of the guaranteed differences between the bottom-up and top-down approach are not reasonable. AT:

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	(Comments): See above. HU: (Drafting): 8. In the case of significant discrepancies between the emissions quantified using source-level methods and those resulting from site-level measurement assessment, additional measurements shall be carried out within the same reporting period. operators shall provide reasoning for the discrepancy. If the discrepancy is not due to the uncertainty of employed quantification technology, competent authorities may request an additional measurement within the same reporting period. HU: (Comments): HU supports CZ proposal and reasoning. This amendment aims to avoid situations where a reconciliation of site- and source-level methods cannot be reached due to the low accuracy of site-level methods. Operators would be forced to repeat the measurements without a chance for a successful reconciliation
9. Methane emissions measurements for gas infrastructure shall be conducted according to appropriate European	PL: (Drafting): 9. Methane emissions measurements or quantifications for gas infrastructure shall be conducted according to appropriate European (CEN) or international (ISO) standards for methane emissions

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(CEN) or international (ISO) standards for methane emissions quantification.	quantification.
10. Where information is kept confidential in accordance with Directive (EU) 2016/943 of the European Parliament and of the Council ³⁷ , 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	HU: (Comments): See comment on Article 5.4. PL: (Drafting):

³⁷

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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operators and in accordance with Article 5(4).	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). However, it is crucial that the scope of the data should allow for reserving the confidentiality of commercially sensitive information of companies, so it shall be in aggregate form.
Article 13	
General mitigation obligation	
Operators shall take all measures available to them to prevent and minimise methane emissions in their operations.	LV: (Drafting): Operators shall take all measures available to them all economically justified measures to prevent and minimise methane emissions in their operations. DE: (Drafting): Operators shall take all appropriate measures available to them to prevent and minimise methane emissions in their operations. The efforts to minimize methane emissions shall not produce greenhouse gas warming directly or indirectly at a higher level of warming effect than the corresponding saved methane emissions. DK: (Comments): Suggest that ‘...shall take all measures available to them...’ is further defined, since this may lead to

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	disproportionate obligations. RO: (Comments): Although, in Romania, several oil and gas operators have voluntarily implemented programs for the detection, monitoring, measurement and reduction of methane emissions, Romania considers that the obligations laid down in the proposed Regulation are stricter than those of the <i>Oil and Gas Methane Partnership</i> Methodology 2.0, a framework which represents an internationally recognized good practice by operators in the oil and gas industry. CZ: (Drafting): Operators shall <i>evaluate</i> take all <i>mitigation</i> measures available to them to prevent and minimise methane emissions in their operations <i>and implement cost-effective measures</i>. CZ: (Comments): The site-level technologies are currently evolving, and their availability and accuracy cannot be guaranteed. NL: (Drafting): Operators shall take <i>evaluate</i> all <i>mitigation</i> measures available to them to prevent and minimise methane emissions in their operations. NL: (Comments): Attention should initially be focused on those sources where the greatest reductions can be achieved in the

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	most cost-effective manner: the biggest bang for the buck - as in the highly effective NL offshore methane reduction programme. With the current formulation, all measures must be applied now. This is not realistic and leads to a fragmented approach with a sub-optimal outcome. Preference for focus initially on sources where the greatest reductions can be achieved in the most cost-effective manner HU: (Drafting): A) Operators shall take all appropriate measures available to them to prevent and minimise methane emissions in their operations. The efforts to minimize methane emissions shall not produce greenhouse gas warming directly or indirectly at a higher level of warming effect than the corresponding saved methane emissions. B) Operators shall evaluate take all mitigation measures available to them to prevent and minimise methane emissions in their operations and implement cost-effective measures. HU: (Comments): HU supports DE proposal but as an alternative CZ proposal is acceptable as well. PL: (Drafting): I. Operators shall evaluate take all mitigation measures available to them to prevent and minimise methane emissions in their operations.

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	NL: (Drafting): Operators should define a methane emissions mitigation plan to ensure a prioritisation of the most effective measures to be implemented, considering the environmental impact (GHG emissions and air quality) and costs of each measure. This methane emissions mitigation plan should be submitted to the Competent Authorities for approval. NL: (Comments): Operators are frequently setting reduction targets based on the analysis of available tools and technologies. An obligation to “take all measures available” bears the risk of very high costs for end-users for very limited emission reduction. The establishment of a methane emissions mitigation plan will ensure a prioritisation of those mitigation actions that enables the highest emissions reduction in the shortest time and for the lowest costs. The involvement of the National Competent Authorities is key as this process will have an impact on both the end-consumers and national decarbonisation strategies. PL: (Drafting): Operators should define a methane emissions mitigation multi-year plan to ensure a prioritisation of the most effective measures to be implemented, considering the environmental impact (GHG emissions and air quality) and costs of each measure. This multi-year methane emissions mitigation plan shall cover the period up to ten years and shall be submitted to the Competent Authorities for approval.

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	PL: (Comments): Operators are frequently setting reduction targets based on the analysis of available tools and technologies. The establishment of a multi-years methane emissions mitigation plan will ensure a prioritisation of those mitigation actions that enables the highest emissions reduction in the shortest time and at the lowest costs. The involvement of the National Competent Authorities is key as this process will have an impact on both the end-consumers and the national decarbonisation strategy.
Article 14	BE: (Comments): <u>Question</u> In current environmental legislation, a very detailed LDAR procedure is described for NM-VOCs. In addition, there are plans, also at EU level, to introduce LDAR for the whole chemical sector in order to limit diffuse emissions of VOCs, including methane (in the framework of BREF revisions under the Industrial Emissions Directive (2010/75/EU)). Can these other legislative efforts be taken into account in order to achieve a set of clear and uniform rules that would facilitate a level playing field and the effective enforcement of the Regulation?
Leak detection and repair	NL: (Comments): - The LDAR strategy currently used in NL is based on a risk-based approach: more effort where the risk of

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	leakage is higher. - o Recital (34) indicates that LDAR should focus on detecting and repairing leaks rather than quantifying these sources. It also indicates that potential sources with a higher leakage risk should be checked more frequently. - o However, Article 14 indicates that an LDAR survey should be repeated every 3 months for all potential sources. - o For 150 NL offshore installations and 400 NL onshore sites, where at more complex sites there may be many thousands of "relevant components", that frequency is not feasible. - o To illustrate, a complex site may contain many tens of thousands of relevant components, a standardized cluster about 20,000. A non-complex site often has 5,000-15,000 components. - It further states that components with a leakage of 500 ppm or more must be repaired within 5 days. - o With a FLIR camera detection limit of 500 ppm, this effectively means that all detected leaks must be repaired within 5 days. - o During LDAR surveys, leaks are repaired on site whenever possible. For repairs requiring orders and/or a shutdown, a 5-day limit (especially offshore) is not logistically feasible. - o For example, the complexity of installations, the impact of shutting down gas production in order to make repairs, detection of leaks in hard-to-reach areas where, for example, repair can only be done using scaffolding, are not taken into account.

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	o The criterion of 500 ppm also does not flesh out the risk-based approach for methane emissions - There is not yet a technique that can be universally applied to detect and quantify all types of potential sources. Therefore, the "all-in-one" approach is impracticable. - There is a lack of distinction between above ground (i.e. directly measurable) and underground assets (not directly measurable). o The ground absorbs methane in the event of a leak. As a result, a leak is measurable for several weeks or even several months after it has been detected. Checking a repaired gas leak within 15 days is therefore not feasible without digging another hole. o In the context of safety, the location of a leak (e.g. near buildings) may be more relevant than the volume of the leak. In the Netherlands, for reasons of safety, sometimes stricter leak search rules and stricter repair rules are applied.
	NL: (Drafting): 1. The Commission mandates CEN to establish a standard on leak detection and repair methodologies, including the scope of the survey taking into account specificities of each type of operator and describing the repair and replace criteria to be met. 2. Competent authorities can approve LDAR surveys that are at least as accurate as the CEN approved

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	standard. NL: (Comments): There is no established standard to describe the practices and requirements for leak detection and repair. The description of the methodologies with wide recognition and agreement is required. It is therefore necessary that the Commission mandates CEN to establish such a standard taking into account specificities of each type of operator and describing the repair and replace criteria to be met. 2. to allow innovation and specific national circumstances, the national competent authority should be able to allow other techniques as well, but these should be at least hold the same level of accuracy as the CEN standards. The CEN standard could be comparable to art. 34 ACER article, where ACER publishes a set of indicators, that national competent authorities can use. PL: (Drafting): 14 point X. The Commission shall work together with CEN to establish standard on leak detection and repair methodologies, including scope of the survey depending on operators, program and repair or replace criteria. Operators shall prepare the programme according to the CEN standard. PL: (Comments): There is no established technical standard for LDAR that describes the practices and requirements for methane leak detection and repair. Activities are based on the experience and methods of the operators

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	according to national legislation and technical standards. From a European perspective, there is an important methodology that could be compatible and recognized.
1. By ... [3 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.	SI: (Drafting): By ... [36 months from the date of entry into force of this Regulation],... IE: (Comments): The IE TSO has such a programme. RO: (Comments): Several oil and gas operators in Romania have already implemented programs for the detection, monitoring, measurement and reduction of methane emissions, voluntarily. Romania considers that the obligations laid down in the proposed Regulation referring to the submission of a leak detection and repair programme to the competent authorities within three months from the date of entry into force of the Regulation at hand, are stricter than those of the Oil and Gas Methane Partnership Methodology 2.0, a framework which represents an internationally recognized good practice by operators in the oil and gas industry. CZ: (Drafting): 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.

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	CZ: (Comments): 3 months is too short to establish a programme for a majority of sites and installations with specific needs and already existing legal obligations. NL: (Drafting): . By ... [3 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. NL: (Comments): On LDAR programme development time: 3 months is too short to establish a programme for a majority of sites and installations with specific needs and already existing legal obligations. HU: (Drafting): 1. By ... [12 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. HU: (Comments): We consider the deadline too short.

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	PL: (Drafting): 2. By ... [6 3]–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. PL: (Comments): The proposed period of 3 months to develop an LDAR program is too short a time for operators to develop a program for most sites and installations with specific needs and already existing legal obligations.
The competent authorities may require the operator to amend the programme taking into account the requirements of this Regulation.	CZ: (Drafting): The competent authorities may require the operator to amend the programme taking into account the requirements of this Regulation. <i>LDAR surveys shall take into account in 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.</i> CZ: (Comments):

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	For the frequency of surveys and the measures to be taken, the LDAR programme shall be based on asset specific assessments and 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. NL: (Drafting): By ... [6 3 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. The competent authorities may require the operator to amend the programme taking into account the requirements of this Regulation. For the frequency of surveys and the measures to be taken, the LDAR programme shall be based on asset specific assessments and assessments of their leaking potential , and is subject to approval by the competent authority . The LDAR programme should be based on the CEN standard referred in the new paragraph 1 when available. NL: (Comments): For the frequency of surveys and the measures to be taken, the LDAR programme shall be based on asset specific assessments and 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 the detection campaigns in order to achieve the best efficiency. The LDAR program based on the CEN standard will give

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	a balance for the application on different assets/sectors and situations. NBNL: The operators have (when agreed with the competent authority) experience with working with a risk-based approach. Not the frequency but the quality of the LDAR is the most important. A risk based approach encourages the quality. HU: (Drafting): 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 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. HU: (Comments): 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 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.

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2. By ... [6 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.	SI: (Drafting): By ... [6 12 months from the date of entry into force of this Regulation], RO: (Comments): At national level, there is a large number and an uneven distribution of active and inactive units under the responsibility of economic operators. Another subject of significant concern is represented by the necessary effort which must be sustained by both economic operators and the competent authorities in what regards the increased investment in the modernization and refurbishment of the active and inactive units. In the field of crude oil and gas, the consultations with relevant operators in the industry showed the need for longer periods for the implementation of some provisions of the proposed Regulation, including the ones referring to leak detection and repair, in order for them to be able to complete public tender procedures for the acquisition of appropriate equipment. The adequate allocation of financial and human resources in view of carrying out the necessary measurements within the required parameters in the proposed Regulation is also essential. CZ: (Drafting): 2. By ... [612 months from the date of entry into force of this Regulation], operators shall carry out initiate the surveys of all relevant components under their responsibility in accordance with the approved leak detection and repair programme referred in paragraph 1.

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	CZ: (Comments): Changes in accordance with proposed changes in paragraph 1. BE: (Drafting): 2. By ... [6 months from the date of entry into force of this Regulation], operators shall carry out a survey of all relevant components possible sources under their responsibility in accordance with the leak detection and repair programme referred in paragraph 1. BE: (Comments): 'Components' is not defined. NL: (Drafting): . By ... [612 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. NL: (Comments): The implementation period should be extended for the survey as this would require a large effort to realise based on the Commission's proposal. AT:

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	(Comments): 1. Question to the European Commission what is to be understood by “relevant components” in this context? In AT's view, a definition of "relevant components" is needed in order to establish and standardize the plant operator's specific inspection obligations (what exactly needs to be inspected?). 2. Question to the European Commission why a “risk-based approach” is not pursued (in deviation from OGMP 2.0), why - with a view to the test interval - there is no differentiation between plant parts based on risk profiles? HU: (Drafting): 2. By ... [612 months from the date of entry into force of this Regulation], operators shall carry out initiate the surveys of all relevant components under their responsibility in accordance with the approved leak detection and repair programme referred in paragraph 1. HU: (Comments): HU supports CZ proposal. PL: (Drafting): 3. By ... [126 months from the date of entry into force of this Regulation], operators shall carry out a survey of relevant components under their responsibility in accordance with the leak detection and repair programme referred in paragraph 1.

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	PL: (Comments): Elongation of implementation according Art. 14 (1).
Thereafter, leak detection and repair surveys shall be repeated every three months.	LV: (Comments): We recommend to repeat surveys less frequently – once in 6 months or once a year. SI: (Drafting): Thereafter, leak detection and repair surveys shall be repeated every three months <u>every 6 months for regulation stations and at least every 2 years for the pipelines components.</u> SI: (Comments): It's a matter of feasibility and also of risk. DE: (Comments): <u>Question/Remark:</u> This may be challenging for operators. It should be examined whether intervals could be longer for certain clusters (e.g. depending on the material density) DK:

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	(Comments): A fixed frequency on inspections and reporting every three months may not be cost-effective. Denmark suggest allowing a risk-based inspection scheme, where the operator is responsible for assessing the inspection frequencies. CZ: (Drafting): Thereafter, leak detection and repair surveys shall be repeated every three months. Subsequent inspections will be carried out based on the technical condition of the asset, the frequency of failures, its age, the type of material and the type of specific equipment, using sophisticated systems with continuous assessment of the change in condition, which are reflected in the frequency of inspections. This approach allows more frequent inspections to be carried out on equipment that is in poor or deteriorating condition, thereby minimising methane releases to the atmosphere. The timing and frequency of inspections will be left to the discretion of individual Member States, with the possibility of intensifying inspections upon request by the competent authority if the submitted inspection programme is found to be insufficient. However, a request for an increased frequency must be justified by the competent authority. CZ: (Comments): Changes in accordance with proposed changes in paragraph 1. NL: (Drafting): Thereafter, the frequency of leak detection and repair surveys shall be repeated every three

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	months. determined by the competent authorities, with a minimum of once every five years NL: (Comments): The implementation period should be extended for the survey as this would require a large effort to realise based on the Commission's proposal. Also, repeating a whole LDAR programme every three months will lead to unjustified efforts with low efficiency. The frequency after the first survey should be related to the risk based approach, with a minimum of once every 5 years (current NL situation). HU: (Drafting): Thereafter, the frequency of leak detection and repair surveys shall be repeated every three months. determined by the competent authorities, with a minimum of once every five years HU: (Comments): This is unimplementable for operators. We support CZ, NLproposal. Subsequent inspections will be carried out based on the technical condition of the asset, the frequency of failures, its age, the type of material and the type of specific equipment, using systems with assessment of the change in condition, which are reflected in the frequency of inspections. This approach allows more frequent inspections to be carried out on equipment that is in poor or deteriorating condition, thereby minimising methane releases to the atmosphere. The timing and frequency

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	of inspections will be left to the discretion of individual Member States, with the possibility of intensifying inspections upon request by the competent authority if the submitted inspection programme is found to be insufficient. PL: (Drafting): “Thereafter, leak detection and repair surveys shall be repeated every three months on a yearly basis”.
3. In carrying out the surveys, operators shall use devices that allow detection of loss of methane from components of 500 parts per million or more.	IE: (Comments): Further consideration will be required as to how the detection of loss of methane will be measured; for example, the parts per million detected would vary significantly depending on distance from the source. Consideration should also be given to whether a higher threshold than 500ppm is appropriate. DK: (Comments): The regulation specifies the measure for detecting methane leaks to 500 parts per million (ppm). Measuring ‘ppm’ is from a practical point of view difficult, without very specific description of the method and measuring device. Further it is hard to use this criteria subsea. The 500 ppm detection measure could be supplemented or replaced by a measure of volume or weight per unit of time, ex. liter per hour. RO: (Comments): In the field of crude oil and gas, the consultations with relevant operators in the industry showed the need

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	for longer periods for the implementation of some provisions of the proposed Regulation, including the ones referring to leak detection and repair, in order for them to be able to complete public tender procedures for the acquisition of appropriate equipment. The adequate allocation of financial and human resources in view of carrying out the necessary measurements within the required parameters in the proposed Regulation is also essential. BE: (Drafting): 3. In carrying out the surveys, operators shall use devices that allow detection of loss of methane from components sources of 500 parts per million or more. BE: (Comments): ‘Components’ is not defined. <u>Question</u> Are IR cameras/OGI allowed to be used as leak detection devices? NL: (Drafting): 3. In carrying out the surveys, operators shall use devices that allow detection of loss of methane from components of 500 parts per million or more. NL:

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	(Comments): Components with a leakage of 500 ppm or more must be repaired within 5 days. The detection limit for a Flir camera is 500 ppm, which in fact means that all detected leaks must be repaired within 5 days. The 500 ppm also does not acknowledge the risk-based approach for methane emissions. A good balance is needed between the obligation to detect and repair leaks, the emission volume required to carry out repairs, logistical constraints and the safety of employees. AT: (Comments): Question to the European Commission how the "method transition" between the use of cameras, which apparently seems to be common in practice (even "best practice"), and a concentration value in the sense of 500 ppm could be managed, whether the EC sees practicability problems here? If yes, how to solve them? HU: (Drafting): In carrying out the surveys, operators shall use devices that allow detection of loss of methane from components of 500 parts per million or more. <u>OR</u> In carrying out the surveys, operators shall use devices that allow detection of loss of methane from components of maximum 2500 parts per million or more. HU: (Comments): We propose a framework time provision without sensitivity threshold, with a view to achieving possibly

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	highest emission reductions. Support NL proposal. <u>OR</u> We propose devices with maximum 2500 parts per million sensitivity. PL: (Drafting): 3. In carrying out the surveys, operators shall use devices that allow detection of loss of methane from components of 500 10,000 parts per million or more. PL: (Comments): The proposed emission level of 500 ppm should be increased to 10,000 ppm. This value refers directly to standard EN 15446. Alternatively
4. Operators shall repair or replace all components found to be emitting 500 parts per million or more of methane.	LV: (Drafting): Operators, as far as possible technologically and economically, shall repair or replace all components found to be emitting 500 parts per million or more of methane. IE: (Comments):

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	Further consideration will be required as to how the detection of loss of methane will be measured; for example, the parts per million detected would vary significantly depending on distance from the source. Consideration should also be given to whether a higher threshold than 500ppm is appropriate. DE: (Comments): <u>Question/Remark:</u> The Commission is asked to explain the threshold value of 500 ppm. In addition, please explain how components are differentiated from each other. In the case of a pipeline, a threshold value only makes sense if it is related to a defined length of a pipeline or circumference of a pipeline. Having in mind that the concentration depends on the closeness to the source: Why did the Commission chose concentration (ppm) as a measurement here rather than a measurement that also includes time (e.g. kg/h)?. DK: (Comments): See comment to paragraph 3 wrt. parts per million measure. RO: (Comments): In the field of crude oil and gas, the consultations with relevant operators in the industry showed the need for longer periods for the implementation of some provisions of the proposed Regulation, including the ones referring to leak detection and repair, in order for them to be able to complete public tender procedures for the acquisition of appropriate equipment. The adequate allocation of financial and human resources in view of carrying out the necessary measurements within the required parameters in the proposed Regulation is also essential.

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	BE: (Drafting): 4. Operators shall repair or replace all components sources found to be emitting 500 parts per million or more of methane. BE: (Comments): 'Components' is not defined. HU: (Drafting): Operators shall repair or replace all components found to be emitting 500 maximum 2500 parts per million or more of methane. PL: (Drafting): 4. In accordance with the EN 15446, operators shall repair or replace all components found to be emitting 5000/10000 parts per million or more of methane.
The repair or replacement of the components referred to in the first	DK: (Comments):

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subparagraph shall take place immediately after detection, or as soon as possible thereafter but no later than five days 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.	It is required that a leak is repaired no later than 5 days after it has been detected. However, it can be very difficult to meet this requirement, especially on offshore installations, for example if a repair requires new components from land, or if a leak has been found on an unmanned platform or subsea. Operations offshore often takes significantly longer than 5 days to plan and execute. The effect of a requirement of only 5 days may be extended shutdowns of offshore facilities while waiting to be able to repair potential leaks. RO: (Comments): In the field of crude oil and gas, the consultations with relevant operators in the industry showed the need for longer periods for the implementation of some provisions of the proposed Regulation, including the ones referring to leak detection and repair, in order for them to be able to complete public tender procedures for the acquisition of appropriate equipment. The adequate allocation of financial and human resources in view of carrying out the necessary measurements within the required parameters in the proposed Regulation is also essential. CZ: (Drafting): 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.

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	CZ: (Comments): 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. BE: (Drafting): The repair or replacement of the components sources referred to in the first subparagraph shall take place immediately after detection, or as soon as possible thereafter but no later than five days 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. BE: (Comments): 'Components' is not defined. NL: (Drafting): 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 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

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	immediate action and provided operators establish a repair and monitoring schedule. NL: (Comments): 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 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. HU: (Drafting): 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. 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 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. HU: (Comments):

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	HU supports CZ and NLproposal. 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. 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 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. PL: (Drafting): The repair or replacement of the components referred to in the subparagraph 4.2 shall take place immediately after detection, or as soon as possible thereafter but no later than five days 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.: (i) immediately, no later than 30 days after detection, (ii) or within a year where a system shutdown is required before the repair or replacement can take place. Operators shall take all possible measures to minimize the leak within 30 days day of detection

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	before the final repair takes place.
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, environmental impacts, 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.	CZ: (Drafting): Safety, administrative 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, environmental impacts, security of supply, permitting processes required by national law, 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. NL: (Drafting): Safety, practical 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, environmental impacts, concentration of methane loss, accessibility to component, availability of replacement of the component, security of supply, scheduled maintenance. Environmental impact considerations may include instances whereby repair could lead to a higher level of methane emissions than in the absence of the repair. AT: (Drafting): Safety and technical considerations that do not allow immediate action, as referred to in the second

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	subparagraph, shall be limited to taking into account safety to personnel and humans in proximity, environmental impacts, relevant impact on the security of supply, 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. HU: (Drafting): Safety, administrative 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, environmental impacts, security of supply, permitting processes required by national law, concentration of methane loss, accessibility to component, security of supply, scheduled maintenance 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. HU: (Comments): HU supports CZ and NL proposal. PL:

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	(Drafting): 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, environmental impacts, concentration of methane loss, accessibility to component, availability of replacement of the component and security of supply. 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 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.	CZ: (Drafting): Where a system shutdown is required before the repair or replacement can be undertaken, operators shall 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. CZ: (Comments): Subparagraph 14(4) in the original proposal sets the maximum time limit for a repair to be one year. Repairing a leak later than that is not allowed even when safety and technical considerations apply. To respect the environmental impact considerations in the original proposal, which states that “Environmental impact considerations may include instances whereby repair could lead to a higher level of methane emissions than in the absence of the repair”, some repairs on high-volume infrastructure must be performed later than one year from detection. In the supporting document we show that a strict one-year repair limit will lead to an unintentional increase in methane emissions (please see the attachment “A prescriptive regulation of LDAR parameters does not guarantee a reduction in methane emissions” for

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	details). One of the listed technical considerations is “availability of replacement of the component”. Some highly specific custom-made components that are typical in the transmission segment have lead times longer than a year. Imposing a one-year repair limit that is not conditioned by the availability of replacement of components is not a feasible regulation of the transmission segment. NL: (Drafting): Where a system shutdown is required before the repair or replacement can be undertaken, operators shall 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. NL: (Comments): When it isn’t possible to realise the reparation within the period of 20 working days, a plan has to be established in which the repair schedule is determined in agreement with the competent authority. A 1 year requirement would be very costly for society. Could the Commission come up with a system where the shutdown requirement is adjusted to the situation for different assets? F.i. it’s ok for a distribution pipe line in a neighbourhood to shut down within one year, however, for large volume gas pipe line offshore, the 1 year maximum could seriously impact security of supply. It would be great if central assets would have more time than smaller ones. HU: (Drafting):

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	Where a system shutdown is required before the repair or replacement can be undertaken, operators shall 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. HU: (Comments): HU supports CZ, NL proposal. Subparagraph 14(4) in the original proposal sets the maximum time limit for a repair to be one year. Repairing a leak later than that is not allowed even when safety and technical considerations apply. To respect the environmental impact considerations in the original proposal, which states that “Environmental impact considerations may include instances whereby repair could lead to a higher level of methane emissions than in the absence of the repair”, some repairs on high-volume infrastructure must be performed later than one year from detection. In the supporting document we show that a strict one-year repair limit will lead to an unintentional increase in methane emissions. One of the listed technical considerations is “availability of replacement of the component”. Some highly specific custom-made components that are typical in the transmission segment have lead times longer than a year. Imposing a one-year repair limit that is not conditioned by the availability of replacement of components is not a feasible regulation of the transmission segment. PL: (Comments): We propose to exclude distribution network operators from this obligation. Planned, cyclical system shutdowns are not used in the operation of gas pipelines. Instead, there are methods of shutting down

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	sections of gas pipelines without the need to shut down the system (hermetic methods).
5. Notwithstanding paragraph 2, operators shall survey components that were found to be emitting 500 parts per million or more of methane during any of the previous surveys as soon as possible after the repair carried out pursuant to paragraph 4, and no later than 15 days thereafter to ensure that the repair was successful.	DK: (Comments): See comment to paragraph 3 wrt. parts per million measure. CZ: (Drafting): 5. Notwithstanding paragraph 2, operators shall survey components that were found to be emitting 500 parts per million or more of methane and repaired or replaced as referred to in the paragraph 4 during any of the previous surveys as soon as possible after the repair carried out pursuant to paragraph 4, and no later than 15 days thereafter during the following LDAR survey to ensure that the repair was successful. CZ: (Comments): After repair of a leaking component gas engineers and technicians always test and ensure that the component has been fixed. NL: (Drafting): Notwithstanding paragraph 2, operators shall survey components that were found to be emitting 500 parts per million or more of methane during any of the previous surveys during the following LDAR survey as soon as possible after the repair carried out pursuant to paragraph 4, and no later than 15 days thereafter to

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	ensure that the repair was successful. NL: (Comments): After repair of a leaking component gas engineers and technicians always test and ensure that the component has been fixed. HU: (Drafting): . Notwithstanding paragraph 2, operators shall survey components that were found to be emitting 500 parts per million or more of methane and repaired or replaced as referred to in the paragraph 4 during any of the previous surveys as soon as possible after the repair carried out pursuant to paragraph 4, and no later than 15 days thereafter during the following LDAR survey to ensure that the repair was successful. HU: (Comments): HU supports CZ proposal After repair of a leaking component gas engineers and technicians always test and ensure that the component has been fixed. PL: (Drafting): 5. Notwithstanding paragraph 2, operators shall survey components that were found to be emitting methane or more of methane during any of the previous surveys as soon as possible after the repair carried out

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	pursuant to paragraph 4, and no later than 15 days thereafter during the following LDAR survey to ensure that the repair was successful.
Notwithstanding paragraph 2, operators shall survey components that were found to be emitting below 500 parts per million of methane, no later than three months after the emissions were detected, to check whether the size of loss of methane has changed.	LV: (Comments): We would like to point out that with such measurement intensity, it is possible that new emitting sources will not be detected, as Regulation currently requires intensively surveying the existing sources of low emissions (0-500 ppm). Any component can show low emissions, which means that it must be measured after three months. DK: (Comments): See comment to paragraph 3 wrt. parts per million measure. CZ: (Drafting): Notwithstanding paragraph 2, operators shall survey components that were found to be emitting below 500 parts per million of methane–and are not concerned by the subparagraph above, no later than three months during the following Leak detection and repair survey after the emissions were detected, to check whether the size of loss of methane has changed. CZ: (Comments):

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	After repair of a leaking component gas engineers and technicians always test and ensure that the component has been fixed. NL: (Drafting): Notwithstanding paragraph 2, operators shall survey components that were found to be emitting below 500 parts per million of methane, no later than three months after the emissions were detected, to check whether the size of loss of methane has changed. NL: (Comments): See justification 14(5). Next to this, the requirement to survey leakages below 500 ppm no later than 3 month after detection is not clear, considering that the LDAR interval is 3 months as well, so it is the same period. Surveying leaking components is naturally part of the LDAR survey. Also: In the case of underground pipes, a leak may still be observable in the ground after 15 days, even though the leak has been successfully closed. Or the ground around the pipe has to be dug open again, which is disproportionate. HU: (Drafting): Notwithstanding paragraph 2, operators shall survey components that were found to be emitting below 500

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	parts per million of methane and are not concerned by the subparagraph above, no later than three months during the following Leak detection and repair survey after the emissions were detected, to check whether the size of loss of methane has changed. HU: (Comments): Requirement to survey leakages below 500 ppm no later than 3 month after detection is not clear, considering that the LDAR interval is 3 months as well, so it is the same period. Surveying leaking components is naturally part of the LDAR survey. Also: In the case of underground pipes, a leak may still be observable in the ground after 15 days, even though the leak has been successfully closed. Or the ground around the pipe has to be dug open again, which is disproportionate. PL: (Drafting): Notwithstanding paragraph 2, operators shall survey using all available technologies components that were found to be emitting below 500 10000 parts per million of methane, no later than during the following Leak Detection and Repair survey three months after the emissions were detected, to check whether the size of loss of methane has changed. PL: (Comments): After repair of a leaking component gas engineers and technicians always test and ensure that the

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	component has been fixed. As a result, an extra survey of components that have recently been repaired is usually meaningless and at any case must be left to the responsibility of the gas company which must set its own survey priorities according to past experience at each particular type of network components. Furthermore, the soil absorbs methane in the event of a leak. As a result, a leakage that have been repaired can still be measured for a few weeks or even a few months after detection. Checking a repaired gas leak within 15 days is therefore not feasible without digging another hole.
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 survey them to ensure that they are	DE: (Drafting): Without prejudice to the reporting obligations pursuant to paragraph 7, operators shall record all identified relevant leaks, irrespective of their size, and shall continually regularly survey them to ensure that they are repaired in accordance with paragraph 4. CZ:

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repaired in accordance with paragraph 4.	(Drafting): 6. Without prejudice to the reporting obligations pursuant to paragraph 7, operators shall record all identified leaks, irrespective of their size, and shall continually survey them to ensure that they are repaired in accordance with paragraph 4. CZ: (Comments): First sentence should be fully removed, as this provision counteracts with paragraphs 5 and 7: reporting is covered in paragraph 7 while paragraph 6 recover surveys obligations already mentioned in paragraph 5 to a continuous survey obligation. NL: (Drafting): Without prejudice to the reporting obligations pursuant to paragraph 7, operators shall record all identified leaks, irrespective of their size, and shall continually survey them to ensure that they are repaired in accordance with paragraph 4. NL: (Comments): The sentence should be fully removed, as this provision counteracts with paragraphs 5 and 7: reporting is covered in paragraph 7 while paragraph 6 covers survey obligations already mentioned in paragraph 5 to a continuous survey obligation. HU: (Drafting):

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	A) Without prejudice to the reporting obligations pursuant to paragraph 7, operators shall record all identified relevant leaks, irrespective of their size, and shall continually regularly survey them to ensure that they are repaired in accordance with paragraph 4. B) Without prejudice to the reporting obligations pursuant to paragraph 7, operators shall record all identified leaks, irrespective of their size, and shall continually survey them to ensure that they are repaired in accordance with paragraph 4. HU: (Comments): 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: 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 month after	CZ:

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each survey, operators shall submit a report with the results of the survey 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 Annex I.	(Drafting): Within one month after each survey Yearly, 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 Annex I. CZ: (Comments): LDAR survey is a continuous process. Sending to competent authority a report every three months appears as extra administrative burden without operational added value. A yearly report is a good compromise to follow LDAR survey regularly. NL: (Drafting): Within one month after each survey Annually, operators shall submit a report with the results of the surveys summrizing 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 Annex I. NL: (Comments): LDAR survey is a continuous process. Sending a report every three months to the competent authority is an extra administrative burden without operational added value. A yearly report is a good compromise to

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	follow LDAR surveys regularly. The outcome of each survey must be reported to CA within one month. This leads to high burdens on CA, which has to publish the reports. HU: (Drafting): 7. A) Within one year after each survey, operators shall submit a report with the results of the survey 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 Annex I. B) Within one month after each survey Yearly, 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 Annex I. HU: (Comments): We propose the report to be submitted on an annual basis in accordance with Articles 14.2 and 16. As an alternative, HU also supports CZ proposal. LDAR survey is a continuous process. Sending to competent authority a report every three months is extra

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	administrative burden without operational added value. A yearly report is a good compromise to follow LDAR survey regularly. PL: (Drafting): Within one month after each survey, operators shall submit a report with the results of the survey and a Operators shall submit a an annual report with the results of the surveys summarizing the leaks that could not be repaired and the corresponding 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 Annex I. 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. PL: (Comments): LDAR is an ongoing process. Sending a report to the NRA every 3 months will create additional administrative burden with no operational value added. An annual report is a good compromise to regularly tracking the LDAR survey.
The competent authorities may require the operator to amend the report or the repair and monitoring	

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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 with respect to the surveys.	HU: (Comments): The provision structurally belongs to Article 8, we propose to remove it.
Article 15	BE:

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	(Comments): <u>Question</u> Would it not be useful to also require the use of mobile installations to capture or flare methane in some cases?
Limits to venting and flaring	DE: (Comments): We suggest an adequate time frame for transposition of this Article NL: (Comments): - o The existing NL gas production installations are designed and equipped with vent (offshore) and flare (onshore, but not that many) systems. Flares are used in oil production both onshore and offshore. - o In practice, small gas streams that cannot be used or recompressed are sent to a vent or flare to prevent local exposure of employees. Offshore, production water is emitted to the sea as well. This water can contain small quantities of methane which will be emitted during the water release into the sea. Those are special methane sources which cannot be prevented. In practice for safety reasons systems are pressurised this way to prevent inflow of oxygen into the gas system. This will prevent an explosive mixture.

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	o The NL offshore vent regime in gas production was introduced in the mid-1980s because of the protection of birds. Possible implications for security of supply of this obligation: o Roughly half of the NL gas production is offshore. o If venting is not allowed under this regulation, these offshore locations will have to be converted to make them suitable for flaring. To make the conversion possible, production will have to be halted. o Given that many installations are at the end of their (economic) life, given that many gas fields are nearly empty, conversion is not cost effective and it is expected that installations will close earlier as a result. o Within the framework of the NL voluntary methane covenant, the offshore sector has, through cost-effective reduction measures, achieved 64% emission reduction compared to 2017 over a two-year period. Under this article no distinction is made between the upstream, midstream and downstream sectors and it will not be possible for the distribution sector to meet this in the short term because it still lacks technical or cost-effective alternatives. Compressor seal gas is still missing. That is also a methane emission source.
1. Venting shall be prohibited	DK:

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except in the circumstances provided for this Article. Routine flaring shall be prohibited.	(Comments): It is positive that the regulation seeks to reduce venting and flaring. Denmark is generally positive towards prohibition of venting with the exceptions described and prohibition of routine flaring. NL: (Comments): The amount of vents of the DSOs are very small. As a result, cost-effective alternatives are not always available and taking alternative measures might be disproportional. HU: (Comments): We support the general goal with the proposed exceptions. We are flexible to implement this provision with a later deadline, from 2030. Also support DE comment.
2. Venting shall only be allowed in the following situations:	
(a) in case of an emergency or malfunction; and	CZ: (Drafting): (a) in case of an emergency, malfunction and incidents impacting security of supply; CZ:

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	(Comments): "Incident" implies that there is no choice versus "emergency" in which, in principle, different choices are possible. NL: (Drafting): (a) in case of an emergency or malfunction incidents, where impacting security of supply; and NL: (Comments): In practice for safety reasons systems are pressurised this way to prevent inflow of oxygen into the gas system. This will prevent an explosive mixture. PL: (Drafting): (a) in case of an emergency or malfunction, incidents that might impact security of supply; and PL: (Comments): Incident" means that there is no choice compared to "emergency" where in principle different choices are possible (definition in text)
(b) where unavoidable and strictly necessary for the operation, repair, maintenance or testing of	CZ: (Drafting): (b) where unavoidable and strictly necessary for the operation, construction, repair, maintenance, testing of

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components or equipment and subject to the reporting obligations set out in Article 16.	components or equipment, decommissioning and subject to the reporting obligations set out in Article 16; CZ: (Comments): “Construction” included to reflect the sector’s needs and current practices. NL: (Drafting): (b) where unavoidable and strictly necessary for the operation, repair, construction, maintenance or testing of components or equipment and subject to the reporting obligations set out in Article 16. NL: (Comments): If the NL offshore & onshore (very little) vent regime does not fall under "unavoidable and strictly necessary for the operation" then this effectively means that offshore gas production is made impossible. PL: (Drafting): (b) where unavoidable and strictly necessary for the operation, construction, repair, maintenance, testing of components or equipment and subject to the reporting obligations set out in Article 16.; or
	NL: (Drafting):

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	(c) If vents are reasonable small of methane per particular event. NL: (Comments): Cost effectiveness should be taken into account therefore a threshold is needed for small vents that do not contribute much. PL: (Drafting): (c) <i>if vents are smaller than 50 kg of methane per event.</i> PL: (Comments): Cost effectiveness should be taken into account therefore a threshold is needed for small vents that do not contribute much to the total
3. Venting under point (b) of paragraph 2 shall include the following specific situations where venting cannot be completely eliminated:	NL: (Comments): The list of situations in Article 15.3 does not contain all the circumstances under which offshore venting takes place in NL offshore gas production. This would mean that this list should be expanded to include all circumstances under which venting may take place in NL. PL: (Comments): The catalog of permitted venting processes (in point 3) should be expanded to include switching and

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	switching operations on gas networks with a working pressure not higher than 0.5 MPa. During most of the works, especially those involving venting of connections or short sections of the network, small amounts of methane are emitted. The examples given in paragraph (a) are for better understanding that a notation proposal that will be more understandable to the public. Paragraph. (k) does not apply only to upstream pipelines, but to all pipelines in all sectors (downstream/midstream). Subparagraphs (e) and (k), decommissioning means a one-time event where, depending on the asset layout and environment, venting may be unavoidable. Lit. (l) as a consequence, potentially unrecoverable Lit. (m) some shut-off valves require pressurized gas as a moving fluid, movement is rare due to the emergency situation (safety of the asset, people, personnel, securing gas supply, etc.), and a limited amount of released gas may be unavoidable.
(a) during normal operations of certain components, provided that the equipment meets all the specified equipment standards and it is properly maintained and regularly inspected to minimise methane losses;	NL: (Comments): It is desirable to indicate here what the minimum quantity is of what may still be vented. Only in this way will there be a level playing field within the EU. Guidance is needed for the competent authority to indicate what is normal operation and to be able to weigh up the pros and cons. Normal operations should include sampling for measurement devices, dry gas seals. PL:

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	(Drafting): (a) during normal operations of certain components (including pneumatic controllers, sampling for quantification devices, dry gas seals), provided that the equipment meets all the specified equipment standards and it is properly maintained and regularly inspected to minimise methane losses; PL: (Comments): Proposed examples will make the provision more understandable.
(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	

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applicable standards;	
(e) during repair and maintenance, including blowing down and depressurizing equipment to perform repair and maintenance;	NL: (Drafting): (e) during repair, and maintenance and decommissioning, including blowing down and depressurizing equipment to perform repair and maintenance; NL: (Comments): (e) and (k) , decommissioning : one off event where depending on the asset lay out and environment, venting may be unavoidable. PL: (Drafting): (e) during repair, and maintenance, and decommissioning including blowing down and depressurizing equipment to perform repair and maintenance; PL: (Comments): In relation to decommissioning, it should be noted tahat, one off event where depending on the asset lay out and environment, venting may be unavoidable.
(f) during a bradenhead test;	

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(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 specifications are met;	DE: (Drafting): where methane natural gas does not meet the gathering pipeline specifications or where a gas mixture is not combustable (i.e. natural gas-nitrogen admixtures), 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 specifications are met; DE: (Comments): Due to the fact that methane is one part of natural gas we suggest this wording.
(j) during commissioning of pipelines, equipment or facilities, only for as long as necessary to	

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purge introduced impurities from the pipeline or equipment;	
(k) during pigging, blow-down to repair 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.	NL: (Drafting): (k) during pigging, blow-down to repair, decommissioned 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. PL: (Drafting): (k) during pigging, blow-down to repair, decommissioned 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.; PL: (Comments): This is not specific to gathering pipeline (upstream) but to all pipelines across all sectors. Moreover, in relation to decommissioning, it should be noted that, one off event where depending on the asset lay out and environment, venting may be unavoidable.
	DE: (Drafting):

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	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 authority. DE: (Comments): Due to the fact of occurrence of unforeseen events we suggest these amendments NL: (Drafting): (L) When a mixture is vented that is off specifications, as a result of the gas the processing (M) Vents from isolation valves used for segmentation of pipelines or compressor station isolation and emergency shutdown system. (n) For transmission: in certain weather conditions, the heat of the sun can increase the pressure in a pipe. In that case, venting is inevitable. (h) For other situations that do not fall under the situation above, but where venting should still be possible because of safety, the environment or others. This should be approved by the competent authority. NL: (Comments):

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	(l) consequently potentially impossible to , recover (m) some isolation valve needs pressurized gas as a moving fluid, there movement is rare as related to emergency situation (safety, security of supply...) and the limited amount of released gas is unavoidable. HU: (Drafting): 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 authority. HU: (Comments): HU supports DE additions to the text. PL: (Drafting): (l) When a mixture is vented that is off specifications, as a result of the gas processing (m) Vents from isolation valves used for segmentation of pipelines or compressor station isolation and emergency shutdown system. PL: (Comments): Consequently potentially impossible to recover.

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	Some isolation valve needs pressurized gas as a moving fluid, there movement is rare as related to emergency situation (safety, security of supply...) and the limited amount of released gas is unavoidable
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.	NL: (Comments): Here it must be described when something is not technically feasible. Otherwise, this too will lead to an uneven European playing field. For downstream: In the case where emissions are unavoidable, investments will be needed to install and use a flaring system. The situations where flaring is not possible will be specific venting situations related to the asset operation or setting, it seems reasonable to describe these situations once a year and not re-explain uselessly for each venting events why it is not possible. PL: (Drafting): 4. Where venting is allowed pursuant to paragraphs 2 and 3, operators shall vent only where flaring is not technically feasible reasonable 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. Operators should also be able to justify not being in a position to install certain quantification devices if their cost would exceed the value of the recovered methane.
5. Flaring shall only be allowed where either re-injection,	DK: (Comments):

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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.	Can the Commission clarify whether ‘safety flaring’ and ‘non-routine flaring’ as defined by the World Bank GFR partnership and ZRF initiative, are allowed in the proposed regulation? See also comments to Article 2 paragraph 22 NL: (Drafting): Flaring shall only be allowed where either re-injection, utilisation, on-site or dispatch of the methane to a market or are not feasible for reasons other than economic considerations or and in case of a net environmental benefit. 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. NL: (Comments): In any case, the emissions created by repairing an installation should not exceed the environmental benefits of a properly functioning installation. AT: (Comments): A measure to prevent methane emissions must not lead to more emissions than would be the case without taking the relevant measure. A specific measure must therefore actually be accompanied by a

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	net reduction in emissions. Considerations of such kind, presented by an operator in connection with Article 15 Para 5, would have to be appreciated, provided that the operator bases these arguments on scientific findings that would also have to be fixed across the EU. The verification of relevant arguments of the operators could fall to the “verifiers”.
	CZ: (Drafting): 6. By 6 months from the date of entry into force of this Regulation, operators shall submit a venting and flaring reduction programme to the competent authorities which shall detail the timeline of implementing emission reduction measures. The competent authorities shall waive any sanctions for venting and flaring events that occur: i) before the venting and flaring reduction programme is approved, and ii) before the approved implementation dates for components that are covered in the venting and flaring reduction programme. CZ: (Comments): Emission reduction measures vary in the implementation time, market availability or the state of research. Currently, the regulation proposal accounts for the implementation period only via the recital 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.” Developing, designing, and installing emission reduction measures is dependent on third party suppliers and in many cases the implementation times are in the order of years. The concept of a venting and flaring reduction programme will allow a transition period to implement the relevant measures. NL: (Drafting):

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	Where vented emission can be flared or where either re-injection, utilisation on-site or dispatch of the methane to a market are feasible, according to paragraphs 4 and 5, and where investments are needed : - the operators should agree with competent authorities on how these investments have to be prioritised as part of the methane emissions reduction plan; - The plan has to be agreed with competent authorities as described in article 13; - The investment plan shall consider the proportionality of the plan-elements, in terms of saved gas relative to cost and environmental impact. The obligations of paragraphs 4 and 5 will only become mandatory when these investments will be implemented as per the agreed plan. NL: (Comments): Important investments will be needed to modify existing assets in order to flare, recover or reuse the vented emissions. A plan should be proposed by the operators to the competent authorities in order to first do the more efficient actions to ensure a sustainable expenditure schedule over a sound period of time and to ensure that sufficient resources (equipment, manpower...) will be available in the European market to absorb this activity surge. Costs (for the end-user) not proportional to the related emission reduction should be avoided. PL:

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	(Drafting): 6. Where vented emission can be flared or where either re-injection, utilisation on-site or dispatch of the methane to a market are feasible, according to paragraph 4 and 5, and where investments are needed : - the operators should agree with competent authorities on how these investments have to be prioritized as part of methane emission reduction plan; - the plan has to be agreed with competent authorities as described in article 13, - the investment plan has to be based on efficiency in terms of saved gas relative to cost and environmental impact. The obligations of paragraph 4 and 5 will only become mandatory when these investments will be implemented as per the agreed plan. PL: (Comments): Investments are needed for operators to adapt and upgrade existing assets for combustion processes and to vent, re-injection, or utilisation on-site or dispatch of the methane to a market. Operators should propose a plan to the NRA to take more effective action first, to ensure a balanced expenditure schedule over an appropriate period of time, and to ensure sufficient resources.
Article 16	
Reporting of venting and flaring	NL:

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events	(Comments): Reporting of each activity leads to an increase in administrative burden for the sector and the regulator, while in NL no environmental benefits are expected. Periodic reporting, even for minimal quantities released during blow-off and flaring, creates an administrative burden that we do not believe is effective.
1. Operators shall notify the competent authorities of venting and flaring events:	DK: (Comments): Denmark is generally positive towards the requirements to report venting and flaring events. It is noted that flaring is already part of the EU ETS and thus regulated wrt. monitoring, reporting and verification of CO₂ emissions. PL: (Drafting): 1. Operators shall notify the competent authorities of venting and flaring events of more than 50 000 kg of methane caused by an incident, emergency or a malfunction
(a) caused by an emergency or a malfunction;	DE: (Drafting): (a) caused by an emergency or a malfunction and DE:

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	(Comments): Suggestion for clarification CZ: (Drafting): (a) caused by an incident, emergency or a malfunction; NL: (Drafting): (a) of more than *TBD* caused by an emergency, an incident or a malfunction; HU: (Drafting): (a) caused by an emergency or a malfunction and HU: (Comments): HU supports DE proposal, or as an alternative support CZ proposal to delete b). PL: (Drafting): (a) caused by an emergency or a malfunction;
	CZ: (Drafting): The requirements applicable for this notification will be in accordance to existing national or local

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	legislation regarding notification of incidents, emergencies or other unusual occurrences CZ: (Comments): Incidents and emergencies are different, and both are unexpected. However, rules on notifications of incidents, emergencies and other unusual occurrences are already in place and shall not be separate from the notification of emissions.
(b) lasting a total of 8 hours or more within a 24 hour period from a single event.	DE: (Comments): <u>Remark/Question:</u> In view of the quantities of greenhouse gases that can be released, the Commission is asked to explain on what scientific basis the temporal thresholds mentioned here were set. DK: (Comments): Flaring is a recurring event when producing oil and gas during normal operation, i.e. safety flaring may be continuous. Please consider whether further definition of flaring events to be reported is needed in order to not impose unnecessary reporting on recurring events under normal operation. Operators will in any case report quarterly as set out in paragraph 2. CZ: (Drafting): (b) lasting a total of 8 hours or more within a 24 hour period from a single event. NL: (Drafting):

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	(b) lasting a total of 8 hours or more within a 24 hour period from a single event. HU: (Drafting): (b) lasting a total of 8 hours or more within a 24 hour period from a single event. PL: (Drafting): (b) lasting a total of 8 hours or more within a 24 hour period from a single event.
The notification referred to in the first subparagraph shall be made without delay after the event and at the latest within 48 hours from the start of the event or the moment the operator became aware of it.	CZ: (Drafting): The notification referred to in the first subparagraph shall be made without delay after the event and at the latest within 48 hours from the start of the event or the moment the operator became aware of it. CZ: (Comments): The proposed quarterly frequency of regular reports would represent an excessive administrative burden for both operators and competent authorities. Therefore we propose to extend this interval to 1 calendar year (paragraph 2 below). This would lead to unification with the annual reporting of total emissions, which also includes the volumes of vented gas during controlled or and safety exhausts. NL: (Drafting):

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	AT: (Comments): Question to the European Commission why (in the light of avoiding any unnecessary bureaucracy) <i>ad hoc notification</i> of certain venting and flaring events is considered necessary? PL: (Drafting): The notification referred to in the first subparagraph shall be made without delay after the event and at the latest within 48 hours from the start of the event or the moment the operator became aware of it as soon as possible after the event.
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.	DE: (Drafting): 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. DE: (Comments): Suggestion to delete because these duties are mentioned already in Article 12. DK: (Comments): Denmark is generally positive towards quarterly reports of all venting and flaring .

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	CZ: (Drafting): 2. Operators shall submit to the competent authorities quarterly annual 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. This will be included in the annual emissions report referred in Article 15. CZ: (Comments): Single events have to be reported immediately, and the total emissions have to be included in the annual methane report anyway. Including it there will reduce the bureaucratic burden and workload. NL: (Drafting): 2. Operators shall submit to the competent authorities quarterly annual 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. This will be included in the annual emissions report referred in Article 15. NL: (Comments): Single events have to be reported immediately, and the total emissions have to be included in the annual methane report anyway. To include it in the annual methane report will reduce the bureaucratic burden and workload. HU:

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	(Drafting): 2. Operators shall submit to the competent authorities annually 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. Or alternatively 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. HU: (Comments): We propose an annual reporting obligation to rationalise the administrative burden of authorities. We also flexible to DE proposal to delet text, as it is already set in Art.12. PL: (Drafting): 2. Operators shall submit to the competent authorities quarterly annual 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. This will be included in the annual emissions report referred in Article 15. PL: (Comments):

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	Single events have to be reported immediately, and the total emissions have to be included in the annual methane report anyway. To include it there will reduce the bureaucratic burden and workload.
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: (Drafting): 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: (Comments): Paragraph (3) is repeating Article 5(4), we propose to delete it <u>OR</u> it should be simplified by only referring to Article 5(4).
Article 17	
Requirements for flaring standards	
1. Where a facility is built, replaced or refurbished, or where new flare stacks or other	DE: (Drafting):

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combustion devices are installed, operators shall install only combustion devices with an auto-igniter or continuous pilot and a complete destruction removal efficiency for hydrocarbons.	Where a facility is built, replaced or refurbished, or where new flare stacks or other combustion devices are installed, operators shall install only combustion devices with an auto-igniter or continuous pilot and a complete the best available destruction removal efficiency for hydrocarbons. If mobile flare stacks are used a manual ignition is permitted as long as the activities are performed and observed by qualified operations or maintenance staff. DE: (Comments): Suggestion for clarification. In addition we ask for clarification of the term "complete destruction removal efficiency" DK: (Comments): The requirement of 'complete destruction removal efficiency for hydrocarbons' for flare stacks or other combustion devices may not be realistic since it not possible technically to obtain 'complete destruction removal efficiency for hydrocarbons' when flaring. Denmark suggests that the requirement for 'destruction removal efficiency for hydrocarbons' is re-evaluated. BE: (Drafting): Where a facility site is built, replaced or refurbished, or where new flare stacks or other combustion devices are installed, operators shall install only combustion devices with an auto-igniter or continuous pilot and a complete destruction removal efficiency for hydrocarbons. BE:

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	(Comments): ‘Facility’ is not defined. NL: (Drafting): 1. Where a facility is built, replaced or refurbished, or where new flare stacks or other combustion devices are installed, operators shall install only combustion devices with an auto-igniter or continuous pilot and a complete destruction removal efficiency of 98% for hydrocarbons. NL: (Comments): Article 17 requires complete combustion in a flare. This ignores the technical reality that there is always combustion efficiency, which is never 100%. The complete combustion in Article 17 (=100%) is not realistic. In NL, a combustion efficiency of 98% is assumed. In practice, it is extremely difficult to determine a combustion efficiency of a flare. AT: (Comments): 1. Any action taken to prevent methane emissions shall not result in more emissions than would be the case if no action was taken. A specific measure must therefore actually be accompanied by a net reduction in emissions. This principle would also have to be taken into account in connection with Article 17, while basing any such arguments on EU-wide established scientific findings. The verification of relevant arguments could fall to the “verifiers”. 2. Question to the European Commission whether flare systems with 100% combustion efficiency

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	actually exist - not only in the sense of a product declaration by the manufacturer; i.e. whether "complete destruction removal efficiency" is a practicable or even possible qualification of flares or whether one should not better focus on the state of the art in connection with Article 17 Paragraph 1 (which, according to companies concerned, rather seems to be 98-99% combustion efficiency). PL: (Drafting): 1. Where a facility is built, replaced or refurbished, or where new flare stacks or other combustion devices are installed, operators shall install only combustion devices with an auto-igniter or continuous pilot and a complete efficient destruction removal efficiency for hydrocarbons PL: (Comments): The efficiency of the flares should be state of the art instead of requiring complete combustion of the hydrocarbons."A complete destruction removal efficiency for hydrocarbons" is hard to define if a flare with almost complete combustion is acceptable and it will be hard to prove that there is complete destruction
2. Operators shall ensure that all flare stacks or other combustion devices comply with the requirements of paragraph 1 by ... [12 months from the date of entry into force of this Regulation].	NL: (Drafting): Operators shall ensure that all flare stacks or other combustion devices comply with the requirements of paragraph 1 by ... [12 months from the date of entry into force of this Regulation]. NL: (Comments):

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	Possible tightening of flare requirements will go into effect within 12 months. That is very quick. It is questionable whether this is feasible to fully implement a new design in such a short period of time. AT: (Comments): Suggestion for a somewhat longer period for Article 17, Paragraph 2 (12 months might be too short - the specific period will have to be specified once the requirements according to Article 17, Paragraph 1 have been clarified and fixed. In any case, the aim should be a reasonable timeframe for the upgrading of the flare inventory according to Art 17 paragraph. 1). HU: (Drafting): 2. Operators shall ensure that all flare stacks or other combustion devices comply with the requirements of paragraph 1 by 2030. HU: (Comments): We consider the provisions too strict, we propose to change the deadline to 2030. PL: (Drafting): 2. Operators shall ensure that all flare stacks or other combustion devices comply with the requirements of paragraph 1 with destruction efficiency of at least 95% by ... [12 months from the date of entry into force of this Regulation]. PL:

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	(Comments): Given the economic issues and the long duration of purchasing procedures that meet the requirements of the Public Procurement Law, it is not possible to replace the flare stacks within 12 months.
3. Operators shall conduct weekly inspections of flare stacks in accordance with the elements set out in Annex III.	NL: (Comments): A weekly inspection of vent and flare tips is extremely high and also leads to the introduction of unnecessary risks (flare going off during inspection, working at height). HU: (Drafting): 3. Operators shall conduct monthly inspections of flare stacks in accordance with the elements set out in Annex III. HU: (Comments): Weekly inspections would require disproportionately high human resources compared to emissions that can be detected and eliminated by monitoring. We propose monthly inspections. PL: (Drafting): Operators shall conduct weekly quarterly inspections of flare stacks that are used only for exceptional

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	conditions. PL: (Comments): Regarding the need for weekly inspections of flare stacks, it should be noted that an inspection can take anywhere from a few hours to several weeks. Weekly inspections are thus technically not feasible, at least for flares on mines.
Article 18	DE: (Comments): We suggest 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). Therefore it could be necessary to develop criteria what “orderly permanent plugged wells and backfilled/sealed mining sites” are. Reference on best available techniques (BAT) for such wells/sites could be helpful and elaborated in an Annex or an Article that addresses the task of developing an an “BAT-Document”.
Inactive wells	DE: (Comments): Please see our remarks on Article 2 (24) (Definition):

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	“inactive wells’ means an oil or gas well or well site where operations for exploration or production have ceased for at least one year and which has not been permanently plugged and abandoned in accordance with regulatory requirements of the competent authorities.” DK: (Comments): It is unclear whether ‘inactive wells’ include temporary plugged wells, permanently plugged wells or fully plugged and abandoned wells. This needs to be clarified in order to assess the extend of article 18. Denmark suggests that ‘inactive wells’ should include temporary plugged wells, while plugged wells and fully plugged and abandoned wells should be regulated in paragraph 6. Please also see comment to article 2 paragraph 24. CY: (Comments): What is the definition of inactive well (or active well)? Inactive wells include also the unsuccessful exploration wells? Also the water depth affects the amount of methane that may escape to the air. It should be more clarified what types of wells are included in this Article. NL: (Comments): This obligation does not do justice to strict NL requirements for sealing abandoned wells. - o In conducting research on (both offshore and onshore) abandoned wells in NL, it was found that hardly any methane emissions can be determined. - o The quantities involved were so small that they cannot justify an annual measurement campaign of

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	hundreds of wells. - Onshore, many locations are no longer accessible due to construction. Offshore, this is also very complicated; measurements must then be taken under water. This is very costly. The environmental burden of doing the work does not outweigh minimal environmental gain. AT: (Comments): Question to the European Commission as to which net savings potential is seen at EU level for permanently filled boreholes and whether such boreholes should not be excluded from the scope of Article 18 (provided that throughout the EU a state-of-the-art standard for the filling of boreholes exists and is also fulfilled)? HU: (Comments): 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	IE: (Comments): Please also refer to suggested amendment to definition of inactive well in Article 2, in order to clearly exclude anything permanently plugged and abandoned. AT:

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inactive wells on their territory or under their jurisdiction, including at least the elements set out in Annex IV.	(Comments): It should be ensured that specific location data of boreholes are not to be published if this conflicts with security concerns. HU: (Drafting): 1. By ... [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. HU: (Comments): We propose 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 for measurement of methane emissions shall be installed on all inactive wells.	IE: (Comments): 18 months here is unfeasible in relation to offshore infrastructure, given the likely requirement for operators to contract appropriate vessels to install the relevant equipment, and the possibility that, depending on the works carried out, regulatory consents could be required. CY: (Comments):

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	In deep water environments, as in the east Mediterranean, it is very difficult to put such equipment, especially in the wells that are already abandoned. If unsuccessful exploration wells are included in the definition of inactive wells, it makes no sense to install equipment for measurement of methane emissions. CZ: (Drafting): 2. By ... <i>[18 months of the date of entry into force of this Regulation]</i>, equipment for measurement of methane emissions shall be installed on all inactive wells. checks will be made on the amount of methane leakage at inactive wells that have not yet been disposed of, and at wells that have not been disposed of in the past in accordance with the best practices methods. CZ: (Comments): Continuous measurements on all inactive wells is not technically possible - the borehole casing is cut about 1.6 m below the ground and covered with soil. Deploying a continuous sensor would mean digging out and accessing the wellhead and pulling the casing above the ground. The whole solution would have to be preceded by negotiations with landowners, the vast majority of boreholes are located on land owned mainly by individuals. HU:

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	(Drafting): By ... <i>[18 months of the date of entry into force of this Regulation]</i>, equipment for measurement of methane emissions shall be installed on all inactive wells. HU: (Comments): The proposal generates disproportionate significant administrative burden, cost and need for human resources, compared to the emission reduction result that can be achieved. We propose to alleviate the provision so that it depends on the decision of the Member State or it is justified by the expected result of the emission reduction. As a regulatory option, it is proposed to make only site-level measurement form mandatory for inactive wells once a year (for wells where there is a physical risk of leakage). We do not consider it feasible to install a measuring equipment for each inactive well, given that it would be extremely costly. <u>OR</u> We can also support deleting the provision. If the provision remains in the text, instead of a precise deadline, only a provision on economically efficient timing is acceptable for us. <u>OR</u> We propose to introduce as an alternative regulatory option the possibility for the Member State/the mining operator concerned to measure methane leaks from inactive wells using a mobile meter over a period of one year (e.g. every 4 months) and if there is no leakage, the well can be considered plugged and the additional measurement reporting obligation will be ceased. PL:

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	(Drafting): 2. — By ... [18 months of the date of entry into force of this Regulation], equipment for measurement of methane emissions shall be installed on all inactive wells. PL: (Comments): Considering the fact that after decommissioning of wells, the land is returned to the owner and there is no possibility to conduct accurate quantification (quantifications conducted with the use of drones are inaccurate due to natural emissions or unreliable due to climatic factors), we propose to remove the provision stipulating the obligation to install quantification equipment within 18 months from the date of entry into force of the regulation, and to introduce a provision stating that if no methane emissions occur within 5 years from the date of closing down a well, further quantifications should be discontinued after the said period.
3. Reports containing the measurements 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 every year thereafter and	IE: (Comments): In line with the comment Article 18(1), 24 months is too short in relation to offshore infrastructure. HU: (Drafting): Where relevant reports containing the measurements 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

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cover the last available calendar year. 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.	every year thereafter and cover the last available calendar year. 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. HU: (Comments): See Article 18 (2). OR Exemption should be given to the plugged wells on the basis of a declaration by the Member State/mining operator. PL: (Drafting): 3. Reports containing the information on measurement or quantifications of methane emissions from inactive wells shall be submitted to the competent authorities by ... [24 months of the date of entry into force of this Regulation] and by 30 March every year thereafter and cover the last available calendar year. 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.
4. The competent authorities shall make the reports set out in this Article available to the public and the Commission, within three	AT: (Comments): It should be ensured that specific location data of boreholes are not to be published if this conflicts with security concerns.

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months from submission by operators and in accordance with Article 5(4).	HU: (Drafting): 4. — 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). HU: (Comments): We propose deletion, it is repeating the provision of Article 5(4). <u>OR</u> The text should refer only to Article 5(4).
5. Member States shall be responsible for fulfilling the obligations laid down in paragraphs 2 and 3, except where a responsible party can be identified, in which case that party shall bear responsibility.	
6. Member States shall develop and implement a	DK:

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mitigation plan to remediate, reclaim and permanently plug inactive wells located in their territory.	(Comments): The wording in this paragraph 6 does not seem to cover offshore wells. Concepts such as ‘remediate’ and ‘reclaim’ are more relevant in an onshore context.
Mitigation plans shall use the inventories referred to in paragraph 1 to determine priority for activities including:	
(a) remediating, reclaiming and permanently plugging wells;	
(b) reclaiming related access roads;	IE: (Comments): Should relate solely to onshore infrastructure. DK: (Comments): Not relevant in an offshore environment.

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(c) restoring land, water and habitat impacted by wells and the prior operations;	DK: (Comments): Could ad ‘restoring seabed’ to cover offshore wells.
(d) yearly checks to ensure plugged wells are no longer a source of methane emissions.	IE: (Comments): With respect to permanently plugged and abandoned wells, annual checks would be a significant undertaking and should not be required, particularly in the case of offshore infrastructure. DE: (Comments): If a well is permanently plugged and abandoned the access to the site could be very limited and may include serious interference with regard to nature and environment. We suggest to review the need of yearly checks in every case. DK: (Comments): It should be defined what is meant by ‘plugged well’ and whether this includes fully ‘plugged and abandoned wells’ offshore. If ‘plugged and abandoned wells’ offshore are included, Denmark believes that the requirement for yearly checks to ensure that plugged wells are no longer a source of methane emissions should be limited in both frequency and time. Denmark want to stress that ‘plugged and abandoned well’ offshore are very hard to

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	inspect when the seabed has been restored, and due to the fact that they are located hundreds of kilometers offshore over a wide area, subsea and under the seabed. It will be related with great cost if these were to be inspected yearly. The requirement should in all cases be limited in time, in order to avoid eternal obligations. NL: (Drafting): (d) yearly checks to ensure plugged wells are no longer a source of methane emissions NL: (Comments): Sometimes houses have been built on non-producing wells. It does not make sense to report these emissions on a yearly basis. Measurements in the past have shown that wells which have been closed don't leak in NL. Risk based approach is more effective. HU: (Drafting): (d) yearly checks to ensure plugged wells are no longer a source of methane emissions. HU: (Comments): We propose to delete point 6. <u>OR</u> as an alternative regulatory option we propose to introduce the possibility for the Member States's mining operator to measure methane leaks of inactive wells on a monthly basis over a year, and if there is

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	no leakage, the well can be considered plugged and the additional measurement reporting obligation will cease to apply. Also support to DE comment: If a well is permanently plugged and abandoned the access to the site could be very limited and may include serious interference with regard to nature and environment.
	DK: (Comments): It should be noted that emissions of biogenic methane from naturally occurring shallow accumulation is very normal offshore. These emissions are happening independently of human activities and it requires analysis of the gas composition to distinguish it from potential leaks from deeper oil and gas accumulations through eg. a leaking well.
Chapter 4	DE: (Comments): 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. Generally, in view of the quantitatively subordinate importance of closed hard coal mines in relation to the release of methane emissions, we suggest to consider the necessity of the provisions of Chapter 4 Section III. measurements that have already been carried out due to legal obligations on EU and national level to

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	avert danger in hard coal mining could be taken into account to ensure an adequate handling of methane emissions. The energetic use of mine gas should remain possible as an effective methane reduction measure. HU: (Comments): 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	DK: (Comments): Denmark is generally positive to the regulation of methane emissions in the coal sector. Denmark has no detailed comments to chapter 4, since Denmark does not have any underground or surface coalmines.
Section I	
Monitoring and reporting in	

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operating mines	
Article 19	HU: (Comments): 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.	PL: (Drafting): 1. This Section applies to operating underground and surface coal mines, with the expetion of mines for which a closure plan has been approved by the European Commission.
2. Methane emissions from operating underground coal mines include the following emissions:	
(a) methane emissions from all ventilation shafts in use by the	

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mine operator;	
(b) methane emissions from drainage 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.	PL: (Comments): Processes defined as post-mining activities should not be in the volume of methane Processes defined as post-mining activities should not be in the volume of methane emissions from coal mines, as there might be different entities managing of transport or storage of extracted material. Hence the operator of the coal mine is not necessarily responsible for length of transport nor for the length of the storage. Moreover, it will be impossible to calculate occurring emissions and indicate the responsible entity.
3. Methane emissions from operating surface coal mines include the following emissions:	

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(a) methane emissions occurring at the coal mine during the mining process;	
(b) methane emissions occurring during post-mining activities.	
Article 20	
Monitoring and reporting	
1. For underground coal mines, mine operators shall perform continuous ventilation air methane emissions measurement and quantification on all exhaust ventilation shafts used by the mine operator, using apparatus with a	PL: (Drafting): 1. For underground coal mines, mine operators shall perform continuous ventilation air methane emissions measurement or quantification and quantification on all exhaust ventilation shafts used by the mine operator, using apparatus with a methane concentration sensitivity threshold of at least 100 parts per million. They shall also take monthly sample-based measurements or quantifications .

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methane concentration sensitivity threshold of at least 100 parts per million. They shall also take monthly sample-based measurements.	
2. Drainage stations operators shall perform continuous measurements of volumes of vented and flared methane, regardless of the reasons for such venting and flaring activity.	PL: (Drafting): 2. Drainage stations operators shall perform continuous measurements or quantifications of volumes 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	CZ: (Drafting): 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 an annual basis, in accordance with appropriate scientific standards and take into account methane emissions from surrounding strata. CZ:

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a quarterly basis, in accordance with appropriate scientific standards and take into account methane emissions from surrounding strata.	(Comments): We consider annual frequency to be adequate. HU: (Drafting): 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. HU: (Comments): 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. PL: (Drafting): 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. PL:

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	(Comments): Research on the significance of methane emissions from surface lignite mines shows emissions to be low and marginal, at the limits of detection. In the impact assessment accompanying this proposal for a regulation, the European Commission admits that “measurement of surface coal mine methane emissions is challenging due to their diffuse nature over a wide area” (p. 52). Deposit-specific, average national emission factors are widely used, including for UNFCCC reporting, and any additional costly requirements should only be introduced if further research finds these to be inadequate. These factors vary within the European Union as the share of sub-bituminous coal, the degree of coalification and thus the methane content of coal vary from deposit to deposit.
4. The measurements and quantification referred to in paragraphs 1 to 3 shall be undertaken in accordance with an appropriate European or international standards.	HU: (Drafting): 4. — The measurements and quantification referred to in paragraphs 1 to 3 shall be undertaken in accordance with an appropriate European or international standards. HU: (Comments): Reference to standards is included in paragraph (3), it can be deleted. PL: (Drafting): 4. The measurements-or quantification referred to in paragraphs 1 to 3 shall be undertaken in

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	accordance with an appropriate European or international standards.
As regards continuous measurements 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.	HU: (Comments): Provisions on continuous measurements should be optionally limited to cases where methane emissions are relevant for the deposit-specific mine. PL: (Drafting): As regards continuous 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.
The equipment used for continuous measurements referred to in paragraphs 1 and 2 shall operate for more than 90% of the period for which it is used to monitor an emission, excluding downtime taken for re-calibration.	PL: (Drafting): The equipment used for continuous measurements or quantifications referred to in paragraphs 1 and 2 shall operate for more than 90% of the period for which it is used to monitor an emission, excluding downtime taken for re-calibration.

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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.	HU: (Drafting): 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 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.	HU: (Comments): It is proposed 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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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	HU: (Comments):

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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)
<i>Section II</i>	
MITIGATION OF METHANE EMISSIONS FROM OPERATING UNDERGROUND COAL MINES	PL: (Drafting): MITIGATION OF METHANE EMISSIONS FROM OPERATING UNDERGROUND COAL MINES WITHOUT A CLOSURE PLAN
Article 21	
Scope	
This Section applies to the methane emissions from underground coal mines referred to in Article 19(2).	

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Article 22	
Mitigation measures	
1. Venting and flaring 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	PL: (Drafting): 1. Venting and flaring of methane from drainage stations shall be prohibited from [1 January 20257], 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. PL: (Comments): It is impossible to completely reduce methane emissions from drainage stations. One of the elements of the methane drainage station technology is the technological exhaust. As the name suggests, it is not an emergency venting, as its is a normal and anticipated process necessary from technological point of view. The gas captured by the drainage system is characterized by the amount and concentration of methane that vary in time. Moreover, the gas pressure in the pipeline to the recipient (e.g. cogeneration system) is

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competent authorities the necessity to opt for venting instead of flaring.	regulated by releasing the gas into the atmosphere. The quantities discharged are small but unavoidable. The introduction of any restrictions should be related to the available technologies, and the goals should not only be ambitious but also realistic.
2. Venting of methane through ventilation shafts in coal mines emitting more than 0.5 tonnes of methane/kilotonne of coal mined, other than coking coal mines, shall be prohibited from 1 January 2027.	SI: (Drafting): 2. Venting of methane through ventilation shafts in coal mines emitting more than 0.5 tonnes of methane/kilotonne of coal mined, other than coking coal mines <u>and underground lignite mines</u>, shall be prohibited from 1 January 2027. SI: (Comments): In line with comments for the new Recital (45a). This is to operationalize that recital. PL: (Drafting): 2. Venting of methane through ventilation shafts in coal mines emitting more than 0.5 8 tonnes of methane/kilotonne of coal mined (calculated as an average for all mines of entity), other than coking coal mines, shall be prohibited from 1 January 2027 2030. PL: (Comments):

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	Originally proposed limits are impossible to be met for deep mines, even for non-methane mines. Currently, there are no technologies available that would allow the economic use of methane from ventilation shafts if its concentration in the air is less than 0.5%. On the other hand, the existing technologies indicate the concentration of methane in the air at the level of 1.0 - 1.2% as the threshold of economic and energy profitability. Ventilation is the primary method of diluting hazardous gases in underground mine works. The mining ventilation system has been designed in such a way as to: provide miners with fresh air, regulate the temperature and humidity of the air in the mine, and effectively dilute or remove hazardous gases and respirable dust suspended in the air. For this reason, imposing a requirement to limit methane emissions from ventilation shafts will pose a direct threat to the health and life of working miners and will increase work safety risk in in the mining plants. Given the uncertainty about the effectiveness of the VAM capture technology, reduction of methane emissions from ventilation shafts, similarly to that from methane drainage stations, will not be feasible.
3. By ... [<i>three years from the date of entry into force of this Regulation</i>] the Commission shall adopt a delegated act in accordance with Article 31 to supplement this Regulation by setting out	PL: (Drafting): 3. — By ... [<i>three years from the date of entry into force of this Regulation</i>] 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.

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restrictions on venting methane from ventilation shafts for coking coal mines.	PL: (Comments): Coking coal is listed as one of the critical raw materials, thus is a raw material of strategic importance for the European economy. All initiatives leading to the reduction of domestic production of critical raw materials are in contradiction with the assumptions of the European Commission's Communication "Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability." Moreover, introduction of restrictions regarding methane emissions from ventilation shafts, when there are no available technologies to achieve them, will result in import increase, and thus increase on dependence on suppliers from third countries (e.g. in 2020 EU imports from Russia was 9.2Mt).
Article 23	
Reporting of venting and flaring events	
1. From [1 January 2025], drainage station operators shall notify the competent authorities of all venting and flaring events:	PL: (Drafting): 1. From [1 January 2025 2027], drainage station operators shall notify the competent authorities of all venting and flaring events:

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(a) caused by an emergency or a malfunction,	
(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	

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accordance with Article 5(4).	
<i>Section III</i>	
METHANE EMISSIONS FROM CLOSED AND ABANDONED UNDERGROUND COAL MINES	
Article 24	HU: (Comments): 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 abandoned and closed underground coal mines where coal production has been discontinued:	IE: (Drafting): This Section applies to the following methane emissions from abandoned and closed underground coal mines where coal production has been discontinued within the [timeframe identified in Article 25(2)]:

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	Member States should thus establish inventories of closed and abandoned underground coal assets mines where operations have ceased since [timeframe identified in Article 25(2)] and, either them or the identified responsible party, should be required to install devices for measurement of methane emissions IE: (Comments): Suggested wording is intended to ensure consistency with the scope of the overall Regulation. NL: (Drafting): This Section applies to the following methane emissions from abandoned and closed and non-flooded underground coal mines where coal production has been discontinued: PL: (Comments): To prepare for an efficient mitigation of methane after mine closures, mines within a closure plan should be treated the same way as closed mines. Operators can then install mitigation equipment that is appropriate also for the post-mining phase.
(a) methane emissions from all ventilation shafts which continue emitting methane;	

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(b) methane emissions from coal mining equipment, use of which has been discontinued;	CZ: (Drafting): (b) methane emissions from coal mining equipment, use of which has been discontinued;
(c) methane emissions from other well-defined point emission sources as outlined in Part 1 of Annex VII.	CZ: (Drafting): (c) methane emissions from other well-defined point emission sources of coal mine methane as outlined in Part 1 of Annex VII. HU: (Drafting): (c) methane emissions from other well-defined point emission sources as outlined in Part 1 of Annex VII. HU: (Comments): This would mean unidentifiable geographical scope and legal uncertainty, so we propose to delete point c).
Article 25	
Monitoring and reporting	
1. By ... [12 months from the	IE:

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Commission proposal	Drafting Suggestions Comments
<i>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 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.	(Drafting): 1. By ... [18 12 months from the date of entry into force of this Regulation] Member States shall set up and make publicly available an inventory of all closed and abandoned underground coal mines and abandoned coal mines where operations have ceased since [timeframe identified in Article 25(2)] 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, to best available data held by the Member State. IE: (Comments): The inventory should cover those mines that are within the remit of this Regulation – underground and time period. An open ended timescale or mine type could include all historical mining, data which may not be accurately available. Furthermore, it is likely that MS will need longer than 12 months in order to compile and verify the relevant data. BE: (Comments): <u>Question</u> Why not requesting already the available information of the state of flooding of each of the mines? NL:

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	(Drafting): 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 non-flooded coal mines and abandoned non-flooded 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. NL: (Comments): During remediation and work on shafts, the concentration of CO₂ and methane is measured as a safety measure. So far, only CO₂ has been measured. Methane emissions have not been detected. Making shafts accessible for measuring the mine gas is not without risk. Tapping into a historic shaft may have resulted in a sinkhole in August 2020. AT: (Comments): 1. Setting a time frame (mining installations that have been shut down within the last 50 years) seems appropriate and should be included to clarify the scope of Article 25. 2. Query to the European Commission why, in the light of Consideration Recital 49 (“flooding the mine can prevent methane emissions”), flooded mines were not exempted from the scope of Article 25? 3. Suggestion for a somewhat longer deadline for Article 25 paragraph 1. HU:

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	(Comments): Clarification is needed as to what period of time (retroactively 50 years?) the inventory should apply. PL: (Comments): To prepare for an efficient mitigation of methane after mine closures, mines within a closure plan should be treated the same way as closed mines. Operators can then install mitigation equipment that is appropriate also for the post-mining phase.
2. Methane concentration measurements shall be taken in accordance with appropriate scientific 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.	IE: (Comments): Assuming part 1 (v) is meant here. CZ: (Drafting): 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], the amount of methane escaping shall be checked no later than ... [6 months after the date of entry into force of this Regulation]. If the check carried out in accordance with the established methodology confirms a methane concentration of more than 10 000 ppm at a particular element, the amount of methane released shall be verified by temporary continuous measurement for a minimum of 30 days. For elements with methane emissions to air exceeding 0,5 tonnes/year, the latest by ... [24

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	months] a measuring device shall be installed. Methane concentration measurements shall be taken in accordance with appropriate scientific 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. HU: (Drafting): . — Methane concentration measurements shall be taken in accordance with appropriate scientific 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 HU: (Comments): In our view, the proposed provisions are 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. 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. PL:

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	(Drafting): 2. Methane concentration measurements or quantifications shall be taken in accordance with appropriate scientific 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. If quantifications do not show any emissions for three consecutive years, no further action shall be taken. PL: (Comments): Many abandoned mines emit no methane. It would be an unnecessary burden to impose hourly measurement requirements.
From ... [18 months from the date of entry 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].	IE: (Drafting): From ... [2418 months from the date of entry 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 and abandoned underground coal mines and abandoned coal mines where operations have ceased since ... [50 years prior to the date of entry into force of this Regulation]. IE: (Comments): A longer timeframe for installation of measurement equipment would be preferable.

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	We would welcome further rationale behind the selection of 50 years. CZ: (Drafting): From ... [18 months from the date of entry 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]. NL: (Drafting): From ... [18 months from the date of entry 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 48 years prior to the date of entry into force of this Regulation]. NL: (Comments): Last Dutch mines have closed 48 years ago. We need a solution to prevent these mines to fall under this regulation for only a few months after implementation. AT: (Comments): At points where no methane emissions could be detected (during a first test measurement) control measurements should be carried out at an interval to be specified, but no permanent installations/measurements should be foreseen.

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	HU: (Drafting): From ... [18 months from the date of entry 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]. HU: (Comments): See above. PL: (Drafting): From ... [18 months from the date of entry into force of this Regulation], measurement or quantification 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 ... [2050] years prior to the date of entry into force of this Regulation]. PL: (Comments): The installation of new equipment at all abandoned mines is unreasonable, disproportionate and uncostered. The Commission's proposed satellite monitoring will reveal any methane emissions which can then be trackled with proportionate measures.

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The sensitivity threshold of the measurement equipment used for the measurements referred to in paragraph 2 shall be at least 10,000 parts per million.	BE: (Comments): <u>Question</u> Is the sensitivity threshold of 10 000 parts per million not too high, given that there exists measurement equipment that can detect much more precisely? How did the Commission arrive at this figure? PL: (Drafting): The sensitivity threshold of the measurement or quantification equipment used for the measurements or quantification referred to in paragraph 2 shall be at least 10,000 parts per million.
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.	PL: (Drafting): The measurement or quantification 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
3. Reports containing estimates of yearly source-level methane emissions data shall be	

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submitted to the competent authorities by ... [24 months of the date of entry into force of this Regulation] and by 30 March every year thereafter.	
The reports shall cover the last available calendar year and include the elements set out in Part 3 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.	
4. Mine operators shall be responsible for the requirements	

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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	AT: (Comments): A measure to prevent methane emissions must not lead to more emissions than would be the case if

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	the relevant measure were not taken. A specific measure must therefore actually be accompanied by a net reduction in emissions. This principle would also have to be taken into account in connection with Article 26, while basing any such arguments on EU-wide established scientific findings. The verification of relevant arguments could fall to the “verifiers”.
1. 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.	IE: (Drafting): 1. 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 closed and abandoned underground coal mines where operations have ceased since [timeframe identified in Article 25(2)]. NL: (Drafting): 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 non-flooded coal mines. NL: (Comments): During remediation and work on shafts, the concentration of CO₂ and methane is measured as a safety measure. So far, only CO₂ has been measured. Methane emissions have not been detected. Making shafts accessible for measuring the mine gas is not without risk. Tapping into a historic shaft may have resulted in a sinkhole in August 2020. HU:

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	(Drafting): 1. If measurements under Article 25 have shown a significant methane leak, which can be 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. HU: (Comments): We propose to add the condition that if measurements under Article 25 have shown a 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 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	

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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 shall demonstrate the necessity to opt for venting or flaring instead of utilisation or mitigation.	
Chapter 5	DK: (Comments): Denmark is generally positive to chapter 5 of the proposal. AT: (Comments): Methane emissions outside the EU account for a large part of the methane emissions in the energy sector as a whole. In any case, it makes sense to address these. The question remains how this can be done most effectively in terms of an effective global reduction in methane emissions? In this context, the following questions are of interest to AT: • How does the European Commission rate the reliability of the information provided by the importers (which in turn is based on the information provided by the exporters)?

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	• How does the European Commission see the limited verifiability of such data and the risk of a falsified and thus distorting representation of data (to the detriment of EU operators)? Is the danger of pseudo transparency seen? • Is the database considered an effective demand management tool? • How could the reliability of LCA (life cycle assessment) be increased? • Are there any thoughts as to what the consequences could be in the event of demonstrable misreporting?
Methane emissions occurring outside the Union	NL: (Comments): Greater transparency regarding the sources of methane emissions, both within and outside the Union, is seen as positive. After all, this is an essential step towards subsequently reducing these emissions and implementing the Global Methane Pledge.
Article 27	
Importer requirements	HU: (Comments): We do not support the proposals on importer requirements.

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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.	NL: (Comments): - Due to the required investments and costs that have to be made under this regulation, there is a real risk that European (and therefore also Dutch) gas will be priced out of the global market. - Imported energy does not have to meet the same requirements. The (cost of) measures taken in the EU to reduce methane emissions should not result in imported energy with a higher footprint having a relative advantage if no measures are taken at these sources. - The proposed information requirement for imported energy from outside the Union is a good, minimum step towards a level playing field at global level. HU: (Comments): 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. PL: (Comments): The provisions proposed in this chapter will not ensure level playing field. In case of EU-based mines it is proposed to introduce penalties for not complying with the regulation, while the provisions of in Chapter 5

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	and Annex VIII only encourage non-EU producers to reduce emissions. Current measures will eventually lead to the transfer of methane emissions to third countries and will not result actual reduction of methane emissions.
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.	
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.	DE: (Comments): Question/Remark: It is not clear if importers need to report to Member States of “first contact” or where imported energy is finally used. HU: (Drafting): 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.

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	HU: (Comments): 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:	HU: (Drafting): 3. By 31 December 2030, or earlier if the Commission considers that sufficient evidence is available, the Commission shall examine the application of this Article, considering in particular: HU: (Comments): 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.

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(a) reporting of the available methane emissions data collected in the context of the global methane monitoring tool referred to in 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	DE: (Comments): When discussing a methane standard for natural gas imports to the EU, it must be ensured that it is designed

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obligations, including mandatory measures such as methane emission standards or targets, taking into account the oil, gas and coal sectors separately.	in such a way that UKR gas transit remains possible or that technical adjustments are possible to meet the standard.
Where appropriate and based on the necessary evidence to secure full compliance with the 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, reporting and verification and mitigation of energy sector methane emissions.	PL: (Drafting): Where appropriate and based on the necessary evidence to secure full compliance with the 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.

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Article 28	
Methane transparency database	RO: (Comments): Concerning the methane emissions generated outside the EU, as set out in Chapter 5 of the proposed Regulation, Romania consider it appropriate to establish tools to ensure transparency for non-EU methane emissions. Methane emissions originating in the energy sector constitute a cross-border problem and should be taken into account in each Member State, depending on the national energy mix. Romania therefore considers it necessary to establish appropriate tools in order to improve the information on sources of methane emissions from fossil-fuel companies in the EU, as well as incentives for these countries to reduce their methane emissions.
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	

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pursuant to Article 27 and Articles 12(11), 16(3), 18(4), 20(7), 23(2) and 25(5).	
2. In addition to the information referred to in paragraph 1, the database shall include the following information:	PL: (Comments): The regulation imposes significant and costly obligations on fossil fuel producers in the European Union. At the same time, it does not introduce obligations other than information obligations with regard to the same imported fuels. Instruments should be introduced to ensure equal conditions of competition and to take account of the costs associated with reducing methane emissions in European Union and third countries which pursue an active policy to reduce methane emissions. This Regulation should impose obligations that are enforceable by importers. In particular, it should be ensured that the information required under the Regulation can be obtained.
(a) a list of countries where fossil energy is produced and exported to the Union;	DE: (Drafting): a list of countries where fossil energy is produced and exported to the Union; HU: (Drafting): (a) a list of countries where fossil energy is produced and exported to the Union;

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	HU: (Comments): See Article 27
(b) for each country referred in point (a) information about the following points:	HU: (Drafting): (b) for each country referred in point (a) information about the following points: HU: (Comments): 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, reporting and verification and mitigation of energy sector methane emissions;	PL: (Drafting): (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;

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(ii) whether it has signed the Paris Agreement 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	

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national inventories submitted pursuant to the United Nations Framework Convention on Climate Change, where applicable, and whether the data was subject to independent verification.	
(vi) the list of companies exporting fossil energy into the Union	
(vii) a list of importers of fossil energy into the Union	
2. The transparency database shall be available to the public online, free of charge and at least in English.	
3. This Article shall apply without prejudice to the provisions	

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of Directive (EU) 2016/943.	
Article 29	
Methane emitters global monitoring tool	
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	

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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.	HU: (Comments): It should be clarified whether the relevant country means an EU member states or a third country.
3. This Article shall be subject to the provisions of Directive (EU) 2016/943.	
Chapter 6	DK:

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	(Comments): No comments to chapter 6.
Final provisions	
Article 30	
Penalties	NL: (Comments): Be mindful of proportionality and differences across Europe. AT: (Comments): Notwithstanding the division of competences between the EU and the MS, the requirements laid down by the EU regulation at hand must be designed in such a way that there are no relevant distortions (inequalities) within the common market. To the maximum extent possible one should strive for an unbiased overall view in order to avoid any distorted representation of the emissions situation.
1. Member States shall lay down the rules on penalties	PL: (Comments):

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applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented.	With regard to any sanctions, an approach for greater encouragement of methane reduction activities and financial, technical and legal support at EU and Member State level is essential.
2. The penalties provided for must be effective, proportionate and dissuasive and may include:	PL: (Comments): The imposed penalties should take into account funds allocated by enterprises for investments aimed at reducing methane emissions from mines. In this way, the provisions of the Regulation will be an incentive to increase investments in methane capture and economic use and thus will contribute to reduction of methane emissions.
(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	

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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 [<i>3 months 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.	HU: (Drafting): Member States shall notify the rules on penalties to the Commission by [<i>12 months 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. HU: (Comments): The proposed 3 month would be insufficient for adopting national legislation.

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3. At least the following infringements shall be subject to penalties:	HU: (Drafting): 3. — At least the following infringements shall be subject to penalties: HU: (Comments): 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 report	

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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;	

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(f) failure of operators to submit a report in accordance with Article 14;	
(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	

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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 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.	

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4. Member States shall take into account at least the following indicative criteria for the imposition of penalties, as appropriate:	HU: (Drafting): 4. Member States shall take into account at least the following indicative criteria for the imposition of penalties, as appropriate: HU: (Comments): 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 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;	

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(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 mine operator;	
(g) the degree of cooperation with the authority;	

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(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.	AT: (Comments): With a view to an "informed choice", Article 30 Paragraph 5 is not rejected per se, provided that a distorted presentation can be avoided (also relevant here, see above: treatment of imports; linking of various data sources in the sense of an unbiased overall view). HU: (Drafting): 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.

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Commission proposal	Drafting Suggestions Comments
	HU: (Comments): 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.
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.	PL: (Drafting): 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 ... [date of entry into force of the Regulation].
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	HU: (Drafting): 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 ... [date of entry into force of the Regulation].

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Commission proposal	Drafting Suggestions Comments
from ... [<i>date of entry into force of the Regulation</i>].	HU: (Comments): 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). PL: (Drafting): The delegation of power referred to in 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.
3. The delegation of power referred to in 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	

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Commission proposal	Drafting Suggestions Comments
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	

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Commission proposal	Drafting Suggestions Comments
shall notify it simultaneously to the European Parliament and to the Council.	
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.	PL: (Drafting): The delegation of power referred to in 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.

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Commission proposal	Drafting Suggestions Comments
Article 32	
Committee procedure	
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.	HU: (Drafting): 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
Article 33	
Review	

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Commission proposal	Drafting Suggestions Comments
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.	HU: (Drafting): 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. HU: (Comments): 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.
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	

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Commission proposal	Drafting Suggestions Comments
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:	
“5. Every three years 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	NL: (Drafting): “5. Every three years ACER shall, after receiving input from member states, 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. 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>]”. PL:

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Commission proposal	Drafting Suggestions Comments
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>].	(Drafting): “5. Every three years 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 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> .	
This Regulation shall be binding in	

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Commission proposal	Drafting Suggestions Comments
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	HU: (Comments): We propose to change 500 ppm to 2500-1000 ppm. <u>OR</u> we can also accept the deletion of the indicator.
Leak detection repair and monitoring schedules	
Repair schedule	

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Commission proposal	Drafting Suggestions Comments
The repair 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 of loss	DE: (Comments): We refer to our comments on LDAR in Article 14.
(iii) For components found to be emitting 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	DE: (Comments): We refer to our comments on LDAR in Article 14.

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Commission proposal	Drafting Suggestions Comments
elements can be taken into account for a delayed repair, as per Article 14, paragraph 4.	
(iv) For components found to be emitting 500 parts per million or more of methane, planned repair schedule indicating planned date of repair,	DE: (Comments): We refer to our comments on LDAR in Article 14. HU: (Drafting): (iv) For components found to be emitting 2500-1000 parts per million or more of methane, planned repair schedule indicating planned date of repair,
(v) For components found to be emitting less than 500 parts per million in previous LDAR survey, but found to be emitting 500 parts per million or more of methane during post LDAR monitoring to check whether the size of loss of methane has evolved, indication	DE: (Comments): We refer to our comments on LDAR in Article 14. HU: (Drafting): (v) For components found to be emitting less than 2500-1000 parts per million in previous LDAR survey, but found to be emitting than 2500-1000 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

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Commission proposal	Drafting Suggestions Comments
whether repair was undertaken immediately and if not, why not (as per iii), and planned repair schedule indicating planned date of repair.	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 schedule to indicate when repairs were effectively carried out.	
Monitoring schedule	
The monitoring schedule referred to in Article 14 must include at least the following elements:	
(i) Inventory and identification of all components that have been checked	

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Commission proposal	Drafting Suggestions Comments
(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 500 parts per million or more of methane, results of monitoring after repair to check if repair was successful	HU: (Drafting): (iii) For components found to be emitting 2500-1000 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 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.	HU: (Drafting): (iv) For components found to be emitting less than 2500-1000 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.
ANNEX II	

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Commission proposal	Drafting Suggestions Comments
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) name and type of asset;	
(iii) equipment involved;	
(iv) date(s) and time(s) that venting or flaring was discovered or commenced and terminated;	PL: (Drafting): (iv) results of any methane concentration measurement or quantification .

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Commission proposal	Drafting Suggestions Comments
(v) measured or estimated volume of vented or flared natural gas;	
(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 inspections of flare stacks carries out in accordance with Article 17	HU: (Drafting): (ix) results of monthly inspections of flare stacks carries out in accordance with Article 17
ANNEX III	

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Commission proposal	Drafting Suggestions Comments
Flare stack inspections	
Weekly 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: (Drafting): 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).
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	DE: (Comments): For components of flaring in the upstream-sector this section should be reviewed

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Commission proposal	Drafting Suggestions Comments
releases.	
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.	DE: (Comments): In some (most?) cases on onshore installations the time frame of this process is less than two hours.
(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	HU: (Drafting): (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 maintenance within 6 hours or within 24 hours in the case of bad weather or other extreme conditions.

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Commission proposal	Drafting Suggestions Comments
conditions.	
ANNEX IV	
Inventories of inactive wells	
Pursuant to Article 18, inventories of inactive wells 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;	
(iii) map showing borders of the well or well site;	DK: (Comments): Not sure what is meant by 'borders of the well' ?

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Commission proposal	Drafting Suggestions Comments
(iv) results of any methane concentration measurements.	
ANNEX V	
Reporting for operating coal mines	
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;	

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(iii) tonnage of each coal type produced by the mine;	
(iv) for all ventilation shafts utilised by the mine	
1) name (if any);	
2) period of use, if different from the reporting period;	
3) coordinates;	
4) purpose (intake, exhaust);	
5) technical specification of the measurement apparatus used for measurement and quantification of methane emissions and optimum operating conditions specified by	PL: (Drafting): 5) technical specification of the measurement or quantification apparatus used for measurement or quantification of methane emissions and optimum operating conditions specified by the producer;

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Commission proposal	Drafting Suggestions Comments
the producer;	
6) proportion of time when continuous measurement apparatus was operating;	PL: (Drafting): 6) proportion of time when continuous measurement or quantification apparatus was operating;
7) choice of European or international standard for:	
- methane measurement apparatus sampling position;	PL: (Drafting): - methane measurement or quantification apparatus sampling position;
- measurement of flow rates;	PL: (Drafting): - measurement or quantification of flow rates;
- measurement of methane concentrations;	PL: (Drafting):

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Commission proposal	Drafting Suggestions Comments
	- measurement or quantification of methane concentrations;
8) methane emissions registered by the continuous measurement apparatus (in tonnes);	PL: (Drafting): 8) methane emissions registered by the continuous measurement or quantification apparatus (in tonnes);
9) methane emissions registered through monthly sampling (in tonnes/hour) covering information on;	
- sampling date;	
- sampling technique;	
- readings of atmospheric conditions (pressure, temperature, humidity), taken at an appropriate distance to reflect conditions at which continuous measurement	PL: (Drafting): - readings of atmospheric conditions (pressure, temperature, humidity), taken at an appropriate distance to reflect conditions at which continuous measurement quantification apparatus is operating;

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Commission proposal	Drafting Suggestions Comments
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	
Pursuant to Articles 19 and 20, the reports for operating surface mines must include at least the following information:	

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Commission proposal	Drafting Suggestions Comments
(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 period	

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Commission proposal	Drafting Suggestions Comments
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	HU: (Drafting): 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 HU: (Comments): 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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Commission proposal	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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Commission proposal	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 is not possible).	

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Commission proposal	Drafting Suggestions Comments
ANNEX VII	
Closed and abandoned mines	
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:	IE: (Drafting): Pursuant to Article 24 and 25, for each site, the inventory of closed and abandoned underground coal mines must include at least the following information: BE: (Comments): <u>Question</u> The list below lacks the flooding state of each mine and the methods used to determine it (direct or indirect), because flooding seems a crucial aspect in discriminating which situation need further mitigation and monitoring and which not. This aspect gives a better estimate than time since closure. Can this be taken into account?
(i) name and address of the operator, owner or licensee, where	

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Commission proposal	Drafting Suggestions Comments
applicable;	
(ii) site address;	
(iii) map showing borders of the mine;	
(iv) schemes of mine workings and their status	HU: (Drafting): (iv) — schemes of mine workings and their status HU: (Comments): Closed mines have no schemes of mine workings. This point should be deleted.
(v) results of methane concentration measurement at the following elements:	IE: (Drafting): (v) results of methane concentration measurement at the following elements, if known: IE: (Comments):

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Commission proposal	Drafting Suggestions Comments
	Member States may not have this data, particularly in respect of older mines. HU: (Drafting): (v) results of methane concentration measurement at the following elements: HU: (Comments): The proposal is too detailed, exhaustive list should be deleted. PL: (Drafting): (v) results of methane concentration measurement- or quantification at the following elements:
1) all ventilation shafts utilised by the mine when operating, accompanied by:	IE: (Drafting): 1) all ventilation shafts utilised by the mine when operating, if known, and accompanied by: IE: (Comments): Member States may not have this data, particularly in respect of older mines. HU: (Drafting): 1) all ventilation shafts utilised by the mine when operating, accompanied by:

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Commission proposal	Drafting Suggestions Comments
- shaft coordinates	HU: (Drafting): -shaft coordinates
- shaft name (if any)	HU: (Drafting): -shaft name (if any)
- sealing status and sealing method, if known	HU: (Drafting): -sealing status and sealing method, if known
2) unused vent pipes	DE: (Drafting): 2) unused vent pipes, only if not part of safety infrastructure HU: (Drafting): 2) unused vent pipes

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Commission proposal	Drafting Suggestions Comments
3) unused gas drainage wells	HU: (Drafting): 3) unused gas drainage wells PL: (Drafting): 2) unused vent pipes if not part of safety infrastructure
4) outcrops;	DE: (Drafting): 4) outcrops; DE: (Comments): <i>In case Chapter 4 Section III is not deleted</i> BE: (Drafting): 4) outcrops and shallow deposits; BE: (Comments):

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Commission proposal	Drafting Suggestions Comments
	It is good to know also when coal subcrops at very shallow levels; which is a very different situation than where the shallowest coal is at 400m depth below several seals. HU: (Drafting): 4) outerops; PL: (Drafting): 4) outerops; PL: (Comments): There are technical and legal limits to the measurement of emissions from abandoned mines.
5) identifiable strata fractures at the mine's territory or linked to its former coal deposit;	DE: (Drafting): 5) identifiable strata fractures at the mine's territory or linked to its former coal deposit; DE: (Comments): <i>In case Chapter 4 Section III is not deleted</i> HU: (Drafting):

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Commission proposal	Drafting Suggestions Comments
	5) identifiable strata fractures at the mine's territory or linked to its former coal deposit; PL: (Drafting): 5) identifiable strata fractures at the mine's territory or linked to its former coal deposit; PL: (Comments): There are technical and legal limits to the measurement of emissions from abandoned mines.
6) other recorded potential point emission sources.	HU: (Drafting): 6) other recorded potential point emission sources.
Part 2	
The measurements referred to in point (v) of Part 1 must be performed in accordance with the following principles:	PL: (Drafting): The measurements or quantifications referred to in point (v) of Part 1 must be performed in accordance with the following principles:

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Commission proposal	Drafting Suggestions Comments
(i) measurements must be performed at atmospheric pressure allowing for potential methane leak to be detected, and according to the appropriate scientific standards.	PL: (Drafting): (i) measurements or quantifications must be performed at atmospheric pressure allowing for potential methane leak to be detected, and according to the appropriate scientific standards.
(ii) measurements must be performed using an apparatus with a sensitivity threshold of at least 10.000 ppm, at the closest available distance to the measured emission source.	PL: (Drafting): (ii) measurements or quantifications must be performed using an apparatus with a sensitivity threshold of at least 10.000 ppm, at the closest available distance to the measured emission source.
(iii) measurements must be accompanied by an information on:	PL: (Drafting): (iii) measurements or quantifications must be accompanied by an information on:
1) date of the measurement	PL: (Drafting): 1) date of the measurement- or quantification

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Commission proposal	Drafting Suggestions Comments
2) atmospheric pressure	PL: (Drafting): 2) atmospheric pressure
3) technical details of the equipment used for the measurement	PL: (Drafting): 3) technical details of the equipment used for the measurement or quantification
(iv) ventilation shafts historically utilised by two or more mines must be assigned to just one mine, to avoid double-counting	
Part 3	
The report set out in Article 25(3) must include the following elements:	

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Commission proposal	Drafting Suggestions Comments
(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) including:	HU: (Drafting): (iii) — methane emissions from all elements outlined in Article 25(3) including: HU: (Comments): We propose to delete point (iii), the proposed detailed data is not necessary for the report.
1) type of element	HU: (Drafting): 1) type of element
2) technical details of measurement apparatus used for the	HU: (Drafting):

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Commission proposal	Drafting Suggestions Comments
measurement including sensitivity	2) technical details of measurement apparatus used for the measurement including sensitivity PL: (Drafting): 2) technical details of measurement or quantification apparatus used for the measurement or quantification including sensitivity
3) proportion of time when measurement apparatus was operating	HU: (Drafting): 3) proportion of time when measurement apparatus was operating PL: (Drafting): 3) proportion of time when measurement or quantification apparatus was operating
4) methane concentration registered by the measurement apparatus	HU: (Drafting): 4) methane concentration registered by the measurement apparatus PL: (Drafting): 4) methane concentration registered by the measurement or quantification apparatus

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Commission proposal	Drafting Suggestions Comments
5) estimates of methane emissions from the element	HU: (Drafting): 5) estimates of methane emissions from the element
Part 4	
The mitigation plan set out in Article 26(1) must include at least the following information:	
(i) list of all elements covered in Article 25(3);	HU: (Comments): We propose to simplify it. Defining and listing the relevant elements should be in the competences of the member states
(ii) technical feasibility of mitigation of methane emissions from elements outlined in Article 25(3);	

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Commission proposal	Drafting Suggestions Comments
(iii) timeline of mitigation of methane emissions from elements outlined in Article 25(3).	
ANNEX VIII	HU: (Drafting): ANNEX VIII HU: (Comments): We propose to delete Annex VIII.
Information to be provided by importers	HU: (Drafting): Information to be provided by importers
For the purposes of this Annex, ‘exporter’ means the contractual counterparty in each supply	HU: (Drafting): For the purposes of this Annex, ‘exporter’ means the contractual counterparty in each supply contract

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contract entered into by the importer for the delivery of fossil energy into the Union.	entered into by the importer for the delivery of fossil energy into the Union. PL: (Comments): The extent of information required by Annex VIII may be difficult for importers to obtain, given that not all suppliers are subject to the same regulations. The inability to obtain such detailed information may apply to LNG purchases on the spot market. This is particularly important given that failure to comply will be subject to penalties under Article 30.
Pursuant to Article 27, importers must provide the following information:	HU: (Drafting): 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;	HU: (Drafting): (i) — name and address of exporter and, if different from exporter, name and address of producer;
(ii) country and regions corresponding to the Union nomenclature of territorial units for	HU: (Drafting):

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statistics (NUTS) level 1 where the energy was produced and countries and 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;	(ii) country and regions corresponding to the Union nomenclature of territorial units for statistics (NUTS) level 1 where the energy was produced and countries and 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	DE: (Drafting): 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 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; DE: (Comments):

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UNFCCC reporting requirements or in compliance with Oil and Gas Methane Partnership 2.0 standards. This must be accompanied by a copy of the 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;	See above (7) HU: (Drafting): (ii) — country and regions corresponding to the Union nomenclature of territorial units for statistics (NUTS) level 1 where the energy was produced and countries and 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; PL: (Drafting): (iii) as regards oil and fossil gas, whether the exporter is undertaking measurement or quantification 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 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	HU: (Drafting):

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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;	(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 undertaking measurement and reporting of its methane emissions, either independently or as part of commitments to report national	HU: (Drafting): (v) — as regards coal, 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 an international or European

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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;	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; PL: (Drafting): (v) as regards coal, whether the exporter is undertaking measurement or quantification 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;

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(vi) as regards coal, whether the exporter applies regulatory or voluntary measures to 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;	NL: (Drafting): HU: (Drafting): (vi) — as regards coal, whether the exporter applies regulatory or voluntary measures to 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.	HU: (Drafting): (vii) — name of the entity that performed independent verification of the reports referred to in points (iii) and (v), if any.
	PL: (Drafting):

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	<i>Where the exporter and, where relevant, the producer originate from the country providing data for the IMEO, the importers will be obliged to provide only information as described in point (i) of this Annex.</i>
	End