

**L.N. 140 of 2005**

**ENVIRONMENT PROTECTION ACT  
(CAP. 435)**

**European Community Greenhouse Gas Emissions Trading  
Scheme Regulations, 2005**

BY VIRTUE of the powers conferred by article 9 of the Environment Protection Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

**1.** (1) The title of these regulations is the European Community Greenhouse Gas Emissions Trading Scheme Regulations, 2005. Citation and scope.

(2) These regulations provide for the implementation in Malta of a scheme for greenhouse gas emissions allowance trading within the European Community in order to promote reductions of greenhouse gas emissions in a cost-effective and economically efficient manner. They transpose Directive 2003/87/EC of the European Parliament and of the Council of the 13th October, 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.

**2.** (1) For the purpose of these regulations and unless the context otherwise requires: Interpretation.

“allowance” means an allowance to emit one tonne of carbon dioxide equivalent during a specified period, which shall be valid only for the purposes of meeting the requirements of these regulations and shall be transferable in accordance with the provisions of these regulations;

“the competent authority” means the Malta Environment and Planning Authority;

“emissions” means the release of greenhouse gases into the atmosphere from sources in an installation;

“greenhouse gases” means the gases listed in Annex 2;

“greenhouse gas emissions permit” means the permit issued in accordance with regulations 4 and 5;

“installation” means a stationary technical unit where one or more activities listed in Annex 1 are carried out and any other

directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;

“Kyoto Protocol” means the Kyoto Protocol to the United Nations Framework Convention on Climate Change;

“the Minister” means the Minister responsible for the environment;

“new entrant” means any installation carrying out one or more of the activities indicated in Annex 1, which has, subsequent to the notification of the national allocation plan, obtained:

- (i) a greenhouse gas emissions permit, or
- (ii) an update of its greenhouse gas emissions permit because of a change in the nature or functioning or an extension of the installation;

“operator” means any person who operates or controls an installation or, to whom decisive economic power over the technical functioning of the installation has been delegated;

“the public” means one or more persons and associations, organizations or groups of persons;

“tonne of carbon dioxide equivalent” means one metric tonne of carbon dioxide (CO<sub>2</sub>) or an amount of any other greenhouse gas listed in Annex 2 with an equivalent global warming potential.

(2) These regulations apply to emissions from activities listed in Annex 1 to these regulations and greenhouse gases listed in Annex 2 to these regulations.

Greenhouse gas emissions permits.

**3.** No person shall carry out any activity listed in Annex 1 to these regulations resulting in emissions specified in relation to that activity unless its operator holds a permit issued by the competent authority in accordance with regulations 4 and 5.

Applications for greenhouse gas emissions permits.

**4.** (1) An operator of an installation carrying out an activity listed in Annex 1 to these regulations during a period referred to in sub-regulations 10(1) and 10(2) shall apply for a greenhouse gas emissions permit for that installation prior to notification of the National Allocation Plan referred to in regulation 8 for that period.

(2) An operator shall, in accordance with sub-regulation (1) submit an application to the competent authority for a greenhouse gas emissions permit which shall include a description of:

(i) the installation and its activities, including the technology used;

(ii) the raw and auxiliary materials, the use of which is likely to lead to emissions of gases listed in Annex 1;

(iii) the sources of emissions of gases listed in Annex 1 from the installation;

(iv) the measures planned to monitor and report emissions in accordance with regulation 13;

(v) any other appropriate information requested by the competent authority;

(vi) a non-technical summary of the details referred to in the previous subparagraphs of this regulation.

(3) The competent authority may, from time to time, establish such fees it may charge in respect of any such permit, or any renewal thereof.

**5.** (1) After receipt of an application for a greenhouse gas emissions permit, the competent authority shall issue a greenhouse gas emissions permit granting authorization to emit greenhouse gases from all or part of the installation for which the application for a permit is made, if the competent authority is satisfied that the operator of the installation can comply with the conditions of these regulations and is capable of monitoring and reporting emissions.

Conditions for and contents of the greenhouse gas emissions permit.

(2) A greenhouse gas emissions permit issued by the competent authority may cover one or more installations on the same site operated by the same operator.

(3) The competent authority, when issuing a greenhouse gas emissions permit, shall ensure that the permit shall include the following:

(i) the name and address of the operator;

(ii) a description of the activities and emissions from the installation;

(iii) monitoring requirements, specifying monitoring methodology and frequency;

(iv) reporting requirements;

(v) requirements for any other information to be notified to the competent authority;

(vi) an obligation to surrender allowances equal to the total emissions of the installation in each calendar year, as verified in accordance with regulation 14, within four months following the end of that year;

(vii) requirements to pay penalties for non-compliance under sub-paragraph (vi) above.

Changes relating to installations.

**6.** (1) The operator of an installation for which a greenhouse gas emissions permit has been issued, shall inform the competent authority of:

(i) any changes planned in the nature or functioning of the installation, or

(ii) any extension of the installation,

which may require an updating of the greenhouse gas emissions permit:

Provided that any such notification must be made at least one month prior to such change or extension.

(2) The competent authority shall, where appropriate, update the greenhouse gas emissions permit accordingly:

Provided that the competent authority may, at any time, vary the conditions of the permit in such a manner as it may deem fit.

(3) Where there is a change in the identity of the operator of the installation, the competent authority shall update the permit to include the name and address of the new operator:

Provided that the competent authority shall be notified of the change in the identity of the operator of the installation before such a change has effectively taken place.

(4) Where an operator has ceased carrying out the Annex 1 activities authorised by a greenhouse gas emissions permit (in whole or in part), the operator may:

(i) if he has ceased carrying out all of the Annex 1 activities covered by the greenhouse gas emissions permit, apply to the competent authority to surrender the whole permit;

(ii) in any other case, apply to the competent authority to surrender the greenhouse gas emissions permit in so far as the competent authority authorizes the carrying out of the particular Annex 1 activities which he has ceased carrying out.

(5) The competent authority may at any time revoke a greenhouse gas emissions permit, in whole or in part, by serving a notice on the operator.

**7.** (1) The competent authority shall take the necessary measures to ensure that, where installations carry out activities that are included in Schedule 1 of the Integrated Pollution Prevention and Control Regulations, 2002, the conditions of, and procedure for, the issue of a greenhouse gas emissions permit are coordinated with those for the permit provided for in those regulations.

Coordination with  
L.N. 234 of 2002.

(2) The requirements of regulations 4, 5 and 6 of these regulations may be integrated into the procedures for integrated pollution prevention and control permitting provided for in the Integrated Pollution Prevention and Control Regulations, 2002.

**8.** (1) The Minister shall ensure that a National Allocation Plan shall be developed for each period as specified in sub-regulations 10(1) and 10(2).

National Allocation  
Plan.

Provided that for each five-year period, the plan shall be published and notified to the European Commission and to the other European Union Member States at least 18 months before the beginning of the relevant period.

(2) The Minister shall ensure that the National Allocation Plan for each period as referred to in sub-regulation (1) shall set out the total quantity of allowances that are to be allocated for that period and how such allowances are to be allocated.

(3) The Minister shall ensure that the National Allocation Plan shall be based on objective and transparent criteria, including those listed in Annex 3 to these regulations.

(4) The competent authority shall ensure that a draft National Allocation Plan shall be published for public comment and due account taken of such comments.

(5) The competent authority shall, before the beginning of each period referred to in sub-regulations 10(1) and 10(2) publish, in the Gazette, the National Allocation Plan for that period.

Method of allocation.

**9.** (1) For the three-year period beginning on the 1<sup>st</sup> January, 2005, referred to in sub-regulation 10(1), at least 95% of the allowances shall be allocated free of charge.

(2) For the five-year period beginning on the 1<sup>st</sup> January, 2008, referred to in sub-regulation 10(2), at least 90% of the allowances shall be allocated free of charge.

Allocation and issue of allowances.

**10.** (1) For the three-year period beginning on the 1<sup>st</sup> January, 2005, the competent authority, after obtaining the Minister's approval shall take a decision at least three months before the beginning of the period, on the total quantity of allowances to be allocated for the period and the allocation of those allowances to the operator of each installation for the period. This decision shall be based on the National Allocation Plan developed pursuant to regulation 8 and in accordance with regulation 9, taking due account of comments from the public.

(2) For the five-year period beginning on the 1<sup>st</sup> January, 2008, and for each subsequent five-year period, the competent authority, after obtaining the Minister's approval shall take a decision at least twelve months before the beginning of the relevant period, on the total quantity of allowances to be allocated for the period and the allocation of such allowances to the operator of each installation for the period. This decision shall be based on the National Allocation Plan developed pursuant to regulation 8 for the relevant period and in accordance with regulation 9, taking due account of comments from the public.

(3) Decisions taken by the competent authority after obtaining the Minister's approval, pursuant to sub-regulations 10(1) and 10(2) shall be in accordance with the requirements of the Treaty establishing the European Community, in particular Articles 87 and 88 thereof.

(4) Decisions on allocations taken by the competent authority after obtaining the Minister's approval shall take into account the need to provide access to allowances for new entrants.

(5) The competent authority shall issue a proportion of the total quantity of allowances to holders of greenhouse gas emissions permit holders each year of the relevant period referred to in sub-regulations 10(1) or 10(2) by the 28<sup>th</sup> February of that year.

**11.** (1) Allowances, shall be transferable between:

Transfer, surrender  
and cancellation of  
allowances.

(i) persons within the Community;

(ii) persons within the Community and persons in third countries listed in Annex B to the Kyoto Protocol, hereby attached as Annex 6 to these regulations, which have ratified the Protocol and with whom agreements are concluded for the mutual recognition of allowances between the Community scheme and other greenhouse gas emissions trading schemes, without restrictions other than those contained in, or adopted pursuant to, these regulations.

(2) Allowances issued by a competent authority of another Member State of the European Community shall be recognized for the purpose of meeting an operator's obligations under sub-regulation 11(3).

(3) By the 30<sup>th</sup> April of each year at the latest, the operator of each installation shall surrender a number of allowances equal to the total emissions from that installation during the preceding calendar year, as verified in accordance with regulation 14.

(4) The competent authority shall ensure that allowances surrendered in accordance to sub-regulation (3) shall be subsequently cancelled.

(5) The competent authority may cancel allowances at any time at the request of the person holding them.

**12.** (1) Allowances for emissions issued for a period as referred to in sub-regulations 10(1) and 10(2) shall only be valid for that period.

Validity of  
allowances.

(2) Four months after the beginning of the first five-year period as referred to in sub-regulation 10(2), the competent authority shall cancel allowances which are no longer valid and have not been surrendered and cancelled in accordance with sub-regulations 11(3) and 11(4).

(3) The competent authority shall not issue allowances to persons for the first five-year period to replace any allowances held by them which are cancelled in accordance with sub-regulation 12(2).

(4) Four months after the beginning of each subsequent five-year period as referred to in sub-regulation 10(2), the competent authority shall cancel allowances which are no longer valid and have not been

surrendered and cancelled in accordance with sub-regulations 11(3) and 11(4).

(5) The competent authority shall issue allowances to persons for the current period to replace any allowances held by them which are cancelled in accordance with sub-regulation 12(4).

Guidelines for monitoring and reporting of emissions.

**13.** (1) The operator of an installation for which a greenhouse gas emissions permit has been issued shall monitor emissions from that installation in accordance with the principles for monitoring set out in Annex 4 to these regulations and the requirements of Commission Decision 2004/156/EC.

(2) The operator of an installation for which a greenhouse gas emissions permit has been issued shall report the emissions from that installation during each calendar year to the competent authority after the end of that year in accordance with the principles for reporting set out in Annex 4 to these regulations and the requirements of Commission Decision 2004/156/EC. The report on emissions shall be submitted not later than four weeks prior to the 31<sup>st</sup> March of each year.

Verification.

**14.** (1) The report submitted by an operator pursuant to sub-regulation 13(2) shall be verified in accordance with the criteria set out in Annex 5 to these regulations. A verification report shall also be submitted with the report of emissions to the competent authority.

Provided that operators shall ensure that their reports are verified by an independent verifier as per Commission Decision 2004/156/EC.

(2) An operator whose report has not been verified as satisfactory in accordance with the criteria set out in Annex 5 to these regulations by the 31<sup>st</sup> March of each year for emissions during the preceding year, cannot make further transfers of allowances until a report from that operator has been verified as satisfactory.

Penalties.

**15.** (1) Whosoever -

(i) for the three-year period beginning on the 1<sup>st</sup> January, 2005, as referred to in sub-regulation 10(1), does not surrender sufficient allowances by the 30<sup>th</sup> April of each year to cover emissions from that installation during the preceding year; or

(ii) for the five-year period beginning on the 1<sup>st</sup> January, 2008, and subsequent five-year periods as referred to in sub-regulation 10(2), does not surrender sufficient allowances by the



30<sup>th</sup> April of each year to cover emissions from that installation for the preceding year; or

(iii) fails to comply with any provision of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or

(iv) contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(v) acts in contravention of any of the provisions of these regulations; or

(vi) conspires, or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any of the provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under the said regulations,

shall be guilty of an offence under these regulations.

(2) Any person who commits an offence against these regulations shall, on conviction, be liable:

(a) in the case of an infringement of paragraph (i) of sub-regulation (1) hereof, to the payment of an excess emissions penalty of sixteen Maltese liri (Lm16) for each tonne of carbon dioxide equivalent emitted by that installation for which the operator has not surrendered allowances;

(b) in the case of an infringement of paragraph (ii) of sub-regulation (1) hereof, to the payment of an excess emissions penalty of forty Maltese liri (Lm40) for each tonne of carbon dioxide equivalent emitted by that installation for which the operator has not surrendered allowances; and

(c) in any other case, on a first conviction, to a fine (*multa*) of not less than five hundred Maltese liri (Lm500), but not exceeding one thousand Maltese liri (Lm1,000) and on a second conviction or subsequent convictions, to a fine (*multa*) of not less than one thousand Maltese liri (Lm1,000), but not exceeding two thousand Maltese liri (Lm2,000), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(3) Payment of the penalty as specified in sub-regulation (2) shall not release the operator from the obligation to surrender an amount of allowances equal to those excess emissions when surrendering allowances in relation to the following calendar year.

(4) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

(5) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(6) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

(7) The competent authority shall publish the names of operators who are in breach of requirements to surrender sufficient allowances under sub-regulation 11(3).

Access to  
information.

L.N. 217 of 2001.

**16.** Decisions related to allocation of allowances and reports of emissions required under the greenhouse gas emissions permit and held by the competent authority shall be made available to the public by the competent authority in accordance with the Freedom of Access to Information on the Environment Regulations, 2001, and Directive 2003/4/EC of the 28th January, 2003, on public access to environmental information.

Registries.

**17.** (1) The competent authority shall establish and maintain a registry in order to ensure the accurate accounting of the issue, holding, transfer and cancellation of allowances. The competent authority may maintain the registry in a consolidated system together with one or more other Member States of the European Union.

(2) Any person may hold allowances.

(3) The registry shall be accessible to the public. The registry shall contain separate accounts to record allowances held by each person to whom and from whom allowances are issued or transferred.

**18.** (1) Operators of installations carrying out one of the activities listed in Annex 1 may be allowed to form a pool of installations from the same activity for the three-year period referred to in sub-regulation 10(1) and/or the first five-year period referred to in sub-regulation 10(2), in accordance with sub-regulations 18(2) to 18(6). <sup>Pooling.</sup>

(2) Operators carrying out an activity listed in Annex 1 who wish to form a pool shall apply to the competent authority. In the application, the operators shall specify the installations and the period for which they want the pool. They shall also supply evidence that a trustee will be able to fulfil the obligations referred to in sub-regulations 18(3) and 18(4).

(3) Operators wishing to form a pool shall nominate a trustee:

(i) to be issued with the total quantity of allowances calculated by installation of the operators, by way of derogation from regulation 10;

(ii) to be responsible for surrendering allowances equal to the total emissions from installations in the pool, by way of derogation from sub-regulations 5(3)(vi) and 11(3);

(iii) to be restricted from making any further transfers in the event that an operator's report pursuant to sub-regulation 13(2) has not been verified as satisfactory in accordance with sub-regulation 14(2).

(4) The trustee shall be subject to the penalties applicable for breaches of requirements to surrender sufficient allowances to cover the total emissions from installations in the pool, by way of derogation from regulation 15.

(5) The competent authority shall submit an application for pooling made pursuant to sub-regulation 18(2), to the European Commission, and pooling shall only be allowed subject to acceptance by the Commission of the application or any amendments made pursuant to proposals by the Commission.

(6) In the event that the trustee fails to comply with the penalties referred to in sub-regulation 18(4), each operator of an

installation in the pool shall be responsible under sub-regulation 11(3) and regulation 15 in respect of emissions from its own installation.

*Force majeure.*

**19.** (1) In cases of *force majeure*, during the first three-year period referred to in sub-regulation 10(1), an operator of an installation may apply to the competent authority for that installation to be issued with additional allowances. Circumstances under which *force majeure* is demonstrated are described in the Communication from the Commission COM(2003) 830 on guidance to assist Member States in the implementation of the criteria listed in Annex III to Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, and on the circumstances under which *force majeure* is demonstrated.

(2) Upon receiving an application for issuing of additional allowances to an installation under *force majeure*, the competent authority shall then apply to the European Commission so that the installation can be issued with additional allowances. Any decision on issuance of additional allowances shall be made in accordance with the decision taken by the European Commission.

(3) Any additional allowances issued in cases of *force majeure* are non-transferable.

## ANNEX 1

**Categories of Activities for which these Regulations apply as referred to in  
Regulation 2**

Activities	Greenhouse gases
<i>Energy activities</i>	
Combustion installations with a rated thermal input exceeding 20MW (except hazardous or municipal waste installations)	Carbon dioxide
Mineral oil refineries	Carbon dioxide
Coke ovens	Carbon dioxide
<i>Production and processing of ferrous metals</i>	
Metal ore (including sulphide ore) roasting or sintering installations	Carbon dioxide
Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour	Carbon dioxide
<i>Mineral industry</i>	
Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day	Carbon dioxide
Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day	Carbon dioxide
Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 m <sup>3</sup> and with a setting density per kiln exceeding 300kg/m <sup>3</sup>	Carbon dioxide

Activities	Greenhouse gases
<i>Other activities</i>  Industrial plants for the production of  (a) pulp from timber or other fibrous materials  (b) paper and board with a production capacity exceeding 20 tonnes per day	Carbon dioxide

1. Installations or parts of installations used for research, development and testing of new products and processes are not covered by these Regulations.

2. The threshold values given below generally refer to production capacities or outputs. Where one operator carries out several activities falling under the same subheading in the same installation or on the same site, the capacities of such activities are added together.

ANNEX 2

**Greenhouse gases referred to in Regulation 2**

Carbon dioxide (CO<sub>2</sub>)

Methane (CH<sub>4</sub>)

Nitrous Oxide (N<sub>2</sub>O)

Hydrofluorocarbons (HFCs)

Perfluorocarbons (PFCs)

Sulphur Hexafluoride (SF<sub>6</sub>)

ANNEX 3

**Criteria for National Allocation Plans referred to in Regulation 8**

1. The total quantity of allowances to be allocated for the relevant period shall be consistent with the state's obligation to limit its emissions pursuant to Decision 2002/358/EC<sup>1</sup> and the Kyoto Protocol, taking into account, on the one hand, the proportion of overall emissions that these allowances represent in comparison with emissions from sources not covered by these Regulations and, on the other hand, national energy policies, and should be consistent with the national climate change programme. The total quantity of allowances to be allocated shall not be more than is likely to be needed for the strict application of the criteria of this Annex. Prior to 2008, the quantity shall be consistent with a path towards achieving or over-achieving the state's target under Decision 2002/358/EC and the Kyoto Protocol.

2. The total quantity of allowances to be allocated shall be consistent with assessments of actual and projected progress towards fulfilling the state's contributions to the Community's commitments made pursuant to Decision 280/2004/EC<sup>2</sup>.

3. Quantities of allowances to be allocated shall be consistent with the potential, including the technological potential, of activities covered by this scheme to reduce emissions. The state may base its distribution of allowances on average emissions of greenhouse gases by product in each activity and achievable progress in each activity.

4. The plan shall be consistent with other Community legislative and policy instruments. Account should be taken of unavoidable increases in emissions resulting from new legislative requirements.

5. The plan shall not discriminate between companies or sectors in such a way as to unduly favour certain undertakings or activities in accordance with the requirements of the Treaty<sup>3</sup>, in particular Articles 87 and 88 thereof.

6. The plan shall contain information on the manner in which new entrants will be able to begin participating in the Community scheme in the state.

7. The plan may accommodate early action and shall contain information on the manner in which early action is taken into account. Benchmarks derived from

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<sup>1</sup> Decision 2002/358/EC: Council Decision of the 25th April, 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfillment of commitments thereunder.

<sup>2</sup> Decision 280/2004/EC: Decision of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol.

<sup>3</sup> Treaty establishing the European Community



reference documents concerning the best available technologies may be employed by the state in developing its National Allocation Plans, and these benchmarks can incorporate an element of accommodating early action.

8. The plan shall contain information on the manner in which clean technology, including energy efficient technologies, are taken into account.

9. The plan shall include provisions for comments to be expressed by the public, and contain information on the arrangements by which due account will be taken of these comments before a decision on the allocation of allowances is taken.

10. The plan shall contain a list of installations covered by these Regulations with the quantities of allowances intended to be allocated to each.

11. The plan may contain information on the manner in which the existence of competition from countries or entities outside the European Union will be taken into account.

## ANNEX 4

**Principles for Monitoring and Reporting referred to in Regulation 13****Monitoring of carbon dioxide emissions**

Emissions shall be monitored either by calculation or on the basis of measurement.

**Calculation**

Calculations of emissions shall be performed using the formula:

$$\text{Activity data} \times \text{Emission factor} \times \text{Oxidation factor}$$

Activity data (fuel used, production rate etc.) shall be monitored on the basis of supply data or measurement.

Accepted emission factors shall be used. Activity-specific emission factors are acceptable for all fuels. Default factors are acceptable for all fuels except non-commercial ones (waste fuels such as tyres and industrial process gases). Seam-specific defaults for coal, and EU-specific or producer country-specific defaults for natural gas shall be further elaborated. IPCC default values are acceptable for refinery products. The emission factor for biomass shall be zero.

If the emission factor does not account of the fact that some of the carbon is not oxidized, then an additional oxidation factor shall be used. If activity-specific emission factors have been calculated and already take oxidation into account, then an oxidation factor need not be applied.

Default oxidation factors developed pursuant to Directive 96/61/EC<sup>4</sup> shall be used, unless the operator can demonstrate that activity-specific factors are more accurate. A separate calculation shall be made for each activity, installation and for each fuel.

**Measurement**

Measurement of emissions shall use standardized or accepted methods, and shall be corroborated by a supporting calculation of emissions.

**Monitoring of emissions of other greenhouse gases**

Standardised or accepted methods shall be used, developed by the Commission in collaboration with all relevant stakeholders and adopted in accordance with the procedure referred to in Article 23(2) of Directive 2003/87/EC.

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<sup>4</sup> Directive 96/61/EC: Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control.

## Reporting of emissions

Each operator shall include the following information in the report for an installation:

- A. Data identifying the installation, including:
- Name of the installation;
  - Its address, including postcode and country;
  - Type and number of Annex 1 activities carried out in the installation;
  - Address, telephone, fax and email details for a contact person; and
  - Name of the owner of the installation, and of any parent company.
- B. For each Annex 1 activity carried out on the site for which emissions are calculated:
- Activity data;
  - Emission factors;
  - Oxidation factors;
  - Total emissions; and
  - Uncertainty.
- C. For each Annex I activity carried out on the site for which emissions are measured:
- Total emissions;
  - Information on the reliability of measurement methods; and
  - Uncertainty.
- D. For emissions from combustion, the report shall also include the oxidation factor, unless oxidation has already been taken into account in the development of an activity-specific emission factor.

Member States shall take measures to coordinate reporting requirements with any existing reporting requirements in order to minimize the reporting burden on businesses.

ANNEX 5

**Criteria for Verification referred to in Regulation 14**

General Principles

1. Emissions from each activity listed in Annex 1 to these Regulations shall be subject to verification
2. The verification process shall include consideration of the report pursuant to sub-regulation 14(2) and of monitoring during the preceding year. It shall address the reliability, credibility and accuracy of monitoring systems and the reported data and information relating to emissions, in particular:
  - (a) the reported activity data and related measurements and calculations;
  - (b) the choice and the employment of emission factors;
  - (c) the calculations leading to the determination of the overall emissions;and
  - (d) if measurement is used, the appropriateness of the choice and the employment of measuring methods.
3. Reported emissions may only be validated if reliable and credible data and information allow the emissions to be determined with a high degree of certainty. A high degree of certainty require the operator to show that:
  - (a) the reported data is free of inconsistencies;
  - (b) the collection of data has been carried out in accordance with the applicable scientific standards; and
  - (c) the relevant records of the installation are complete and consistent.
4. The verifier shall be given access to all sites and information in relation to the subject of the verification.
5. The verifier shall take into account whether the installation is registered under the Community eco-management and audit scheme (EMAS).

## ANNEX 6

**Reproduction of Annex B to the Kyoto Protocol referred to in Regulation 11**

Party	Quantified emission limitation or reduction commitment (percentage of base year or period)
Australia	108
Austria	92
Belgium	92
Bulgaria	92
Canada	94
Croatia	95
Czech Republic	92
Denmark	92
Estonia	92
European Community	92
Finland	92
France	92
Germany	92
Greece	92
Hungary	94
Iceland	110
Ireland	92
Italy	92
Japan	94
Latvia	92
Liechtenstein	92
Lithuania	92
Luxembourg	92
Monaco	92
Netherlands	92
New Zealand	100
Norway	101
Poland	94
Portugal	92
Romania	92
Russian Federation	100
Slovakia	92
Slovenia	92
Spain	92
Sweden	92
Switzerland	92
Ukraine	100
United Kingdom of Great Britain and Northern Ireland	92
United States of America	93