

# Compliance Conference 2022

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# Upcoming tasks in context with REDII implementation (DE)

1. Changes in the **national regulation** on MRV-issues in the EU ETS has to come into force  
=> PoS from the national database Nabisy; admission requirement: participation in a certification system
2. Changes in the **national guidance** have to be published  
=> explanation on national regulation aspects and also issues of GD 3
3. **Operators will change** and submit their **monitoring plans** in line with updated national guidance
4. **DEHSt will approve** changes to the MP as they are considered to be significant (Art. 15 (3) MRR):
  - possible changes to tier requirements for the biomass source stream
  - possible changes to category of installation in case of non-sustainable = fossil emissions.

# Changes to the monitoring plan and approval by the CA

- Annex I No. 8 MRR => installations with biomass source streams have to check, if they have to submit an updated monitoring plan:
  - Operators have to determine for each biomass source stream whether RED II criteria apply and emissions from sustainable biomass should be subtracted in the AER
    - => **if no**, an updated monitoring plan is only necessary if there are non-sustainable, fossil emissions exceeding the relevant thresholds for tiers or category of the installation
    - => **if yes**, operator has to submit a procedure which is used to assess if the biomass source stream comply with Article 38(5) MRR.

# Changes to the monitoring plan and approval by the CA

- Content of procedure depends on the status of the ETS-installation:
    - ETS installations being certified (1.)
    - ETS installations not being certified (2.)
  - (1.) If an installation is certified, general information in the procedure is sufficient, i.a.
    - name of source stream
    - name of certification system used
    - category of biomass, date of first consumption of biomass and applicable sustainability criteria
    - implementation of a process for recertification and to submit PoS with the AER
- ⇒ assumption: classification of biomass source stream or relevant parameters in the calculation of GHG-savings are covered by and controlled during the certification process
- Timeline: initial certification process has to be finished before operators set up their procedures and make changes to the monitoring plan

# Changes to the Monitoring Plan and approval by the CA

- (2.) ETS-Installations not being certified have to submit details on the relevant parameters in the calculation of GHG-savings, i.a.
  - name of source stream
  - category of biomass and applicable sustainability criteria
  - purpose of combustion of the biomass source stream and relevant fossil comparator
  - determination of transport emissions ( $E_{td}$ )
  - implementation of an internal process to submit PoS with AER

=> approval by the CA is the basis for the ETS-verification and the correct deduction of emissions in the AER

- Timeline: after an appropriate time after publication of national guidance, operators are able to set up the procedure and make changes to the monitoring plan

**Vielen Dank für Ihre Aufmerksamkeit!**

**Iris Steinigk**

E-Mail: [emissionshandel@dehst.de](mailto:emissionshandel@dehst.de)

Internet: [www.dehst.de](http://www.dehst.de)

**Umwelt**   
**Bundesamt**

**DEHSt**  
Deutsche  
Emissionshandelsstelle

# Transitional provisions in DE

- 1. bottleneck “certification” => if operators or companies in the upstream chain cannot provide proof of sustainability due to a lack of recognized certification systems or a lack of approved auditors, emissions will be deductible without PoS.  
Requirements:
  - Operator has to conclude a contract with a certification system
  - statement by certification system, when audit/certification is to be completed
- 2. bottleneck “technical expansion of national register” => in DE proofs of sustainability have to be issued in a register/databas (Nabisy). As long as the database does not include the necessary functionalities for the EU ETS, alternative evidence (evidence/PoS from the certification systems) has to be submitted with the AER.