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REPLY TO THE PUBLIC CONSULTATION MRR – EU ETS

The Austrian Compost & Biogas Association welcomes the opportunity to provide feedback on the draft Implementing Regulation amending Commission Implementing Regulation (EU) 2018/2066 on the monitoring and reporting of greenhouse gas emissions.

While the industry generally appreciates the aim of avoiding miscalculations and the risk of double counting, part of the modifications to articles 39 and 43, if unchanged, could increase this risk and negatively impact the current system to measure the biomass fraction of the gas in the grid and cause implementation issues.

To avoid discouraging operators choosing sustainable biogas and biomethane to decarbonize their processes and make sure the legislative framework remains coherent, the Austrian Compost & Biogas Association recommends a set of targeted modification to the current draft. In particular, adding to articles 39 (2a) and 43(3) a reference to article 39 (4) of the regulation establishing the “purchase records” methodology would

- (i) streamline compliance
- (ii) reinforce coherence with COMMISSION IMPLEMENTING REGULATION (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria and existing biogas sustainability policies (IR 2022/966)
- (iii) strike the right balance between ensuring calculation of the biomass fraction of the gas commercialized via a network and the commercial reality of the functioning of the gases market.

Proposed Measure	Recommendation	Justification
Article 39, paragraph 2a	‘2a. Where biomass is used as input material or fuel, and output materials contain carbon, the operator shall provide to the competent authority data	The purchase of records methodology established in article 39(4) and mentioned in the Draft proposal recital (6) should be the only standard methodology to

	<p>on the biomass-based carbon content of the output streams. The operator shall thereby provide evidence that the installation's total emissions are not systematically underestimated by the applied monitoring methodology and that the biomass-based carbon in total output materials does not exceed the total biomass-based carbon contained in input materials and fuels. <u>(NEW) In case of gaseous biomass fuels obtained from gas networks the content of the biomass-based carbon shall be defined in accordance with article 39 (4) of this Regulation.'</u></p>	<p>account the biomass fraction in the biogas from the network gas. Because of the transferability of sustainability characteristics via mass balance regulated by IR 2022/966 physical content of biomass-based carbon in gas purchased from the grid will not coincide with volume based on the amount of purchased biomethane. Therefore, if both methods are applied they would result in discrepant results. An explicit reference to Article 39(4) would therefore bring clarity to the implementation of the measure.</p>
<p>Article 39 par. 3</p>	<p>3. By way of derogation from paragraphs 1 and 2 of this Article and Article 30, except for the purposes of Article 43(4), the operator shall not use analyses or estimation methods in accordance with paragraph 2 of this Article to determine the biomass fraction of natural gas received from a gas grid to which biogas is added. The operator may determine that a certain quantity of natural gas from the gas grid is biogas by using the methodology set out in paragraph 4.</p>	<p>The same methodology of accounting, which is the "purchase records" should apply for any gas commercialized via a network. This amendment seeks consistency with the proposed amendment below.</p>
<p>Article 43 (4)</p>	<p>Article 43 paragraph 4. 'Where the method pro-</p>	<p>As mentioned in recital 6 the purchase record meth-</p>

	<p>posed by the operator involves continuous sampling from the flue gas stream and the installation consumes natural gas from the grid, the operator shall subtract the CO₂ stemming from any biogas contained in the natural gas from the total measured CO₂ emissions. The biomass fraction of the natural gas shall be determined in accordance with <u>Article 39 paragraph 4 with Articles 32 to 35.</u></p>	<p>odology in article 39(4) should be the reference method for biogas, to identify its utilization and reporting installations emissions. A direct reference of article 39(4) would improve coherence of the measure. Additionally, laboratory analysis explained in Articles 32 – 35 would impact on the compliance with IR 2022/ 966 which at article 2(18) established the EU interconnected grid is part of the same single mass balance unit.</p>

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