

23 August 2023, Brussels

FEAD feedback to the EU emissions trading system (ETS) update of the rules for monitoring and reporting emissions

FEAD, the European Waste Management Association, welcomes that the proposal maintains full flexibility for Waste-to-Energy (WtE) operators to either apply a calculation-based or a measurement-based methodology. Nevertheless, **FEAD notes the following points** in relation to the draft Implementing Regulation amending Commission Implementing Regulation (EU) 2018/2066 on the monitoring and reporting of greenhouse gas emissions under the ETS Directive ("MRR"):

Applicable tiers - Art. 26 and Art. 41

It is not possible for WtE plants to report adequately from 1 January 2024 with the foreseen provisions. Waste-to-Energy plants are characterised by a high level of complexity with regard to emission monitoring, given the considerable heterogeneity of the waste input streams and the variability of the flue gas flow rate. This makes it different from coal and other standard fuels.

In light of these elements, the measurement system applied to the sector should necessarily include an *ad hoc* degree of uncertainty. Therefore, **we recommend establishing a different, more flexible, degree of uncertainty for the WtE sector than the one proposed, which is the same as for standard combustion plants.** Alternatively, it should be possible to **apply the minimum levels required for Category A installations to installations in Category B and C as well.**

In addition, **FEAD urges the introduction of a transitional solution**, at least during the evaluation period, for the purpose of monitoring emissions in the WtE sector. During this evaluation period needed to assess the possible inclusion of the sector in the EU ETS system, **only the standard emission factor should be applied**, regardless of the category of the installation (A, B or C), **derogating from the system of applicable tiers.** It is indispensable to find a simple and uniform, but especially an implementable way to enter the evaluation period because there is no time to consider and assess the applicable tiers with each competent authority across the EU by 1 January 2024. It is also not possible to install measurements throughout Europe that meet the requirements by 1 January 2024, or to upgrade and calibrate existing measurements.

Frequency of analyses - Article 35

The minimum frequency of analyses defined in Annex VII with respect to waste is realistically feasible only for small facilities and facilities that process a limited number of waste categories, delivered by few producers. For all other plants, **the application of the minimum frequency threshold would result in an almost continuous sampling with high analysis and sampling costs**, without any improvement in data quality. It would be therefore advisable to **offer the possibility of sampling the waste stream fed to incineration and homogenised in the receiving areas, with reduced frequencies.** For example, we recommend a **monthly sampling for each homogenous stream identified**

in the monitoring plan (see proposal to allow the standardisation of flows by homogeneous waste categories also at the end of the paper).

Emission factor for waste - Annex VI, Table 1

It is unclear if the emission factor represents the fossil CO₂ emissions only of the fossil fraction of the treated waste. Apparently, the total factor (fossil and biogenic) is considered since it is expressed on an energy basis as tCO₂/TJ, but the EU-ETS only considers fossil emissions. This must be clarified.

It should be noted that **usually, (fossil CO₂) emission factors for WtE are expressed directly per tonne of the total waste treated, which is also the functional unit of a WtE plant.** It can be counter-intuitive to express an emission factor based on the fossil fraction of waste only.

When considered in relation to the fossil fraction of waste alone, **the value of 91.7 tCO₂/TJ proposed by the draft implementing regulation is too high compared to experience and literature data.** Considering an average net calorific value (NCV) of about 11 GJ/twaste, the application of the proposed value would result in an emission factor of 1.0087 tCO₂/twaste. Different Member States, however, show markedly different experiences in this regard: in Denmark the emission factor for waste is 0.450 tCO₂/twaste while in Germany it is 0.402 tCO₂/twaste. This is in line with the study made in France by ADEME and FNADE on the determination of the biogenic and fossil content of residual household waste¹. The proposed value is thus not in line with reality and, therefore, inappropriate. The use of such an unrealistic emission factor is counterproductive for installations, authorities, and national registries or reporting levels. Instead, **a value of approx. 0.4 t CO₂/t waste should be used as it is almost identical in Germany, the Netherlands and Denmark and which is based on measurements and analyses.**

Following a different possible interpretation of the regulation, if the proposed emission factor were to be reduced by a share equal to the biomass fraction treated, the determination of the final emission factor would require additional analysis and control activities. Such a procedure would represent a different practice than for other emission factors under the MRR (e.g., industrial waste) and, if carried out according to the provisions of the regulation, it would lead to significant burdens for operators (see comments on Article 35).

The implementing regulation should therefore **clarify the interpretation of the emission factor waste.** We recommend that **the emission factor for waste be aligned with those applied in other Member States (also to avoid imbalances in the cross-border management of waste);** it should also be possible to **report the emission factor unambiguously and without the need for further analysis.**

In this context, it is also required to **re-evaluate the emission factor for industrial waste** in light of the increased body of knowledge regarding industrial waste and possibly for a larger number of EWC codes, along the lines of what the Netherlands or Germany has already done. Reporting for one and the same subject matter but according to different methods with different values for two different systems with comparable objectives must be avoided. Reporting in two different systems according to different monitoring rules would put an unreasonable burden on operators. In any case, **it must be ensured that companies from Member States in which corresponding monitoring is already in place at national level, can also fulfil their EU-reporting obligation by sending the results from the national monitoring.**

¹ <https://bibrairie.ademe.fr/energies-renouvelables-reseaux-et-stockage/4007-determination-des-contenus-biogene-et-fossile-des-ordures-menageres-residuelles-et-d-un-csr-a-partir-d-une-analyse-14c-du-co2-des-gaz-de-post-combustion.html>

Timelines for carrying out measurements - Article 14

In general, the MRR does not define clear timelines for carrying out measurements. In Article 14, the regulation states that each operator shall periodically check whether the monitoring plan reflects the nature and operation of the installation.

We would propose, for the WtE sector, to define starting rules for the **minimum number of measurements**, looking for example at the Swedish experience (e.g., at least 4 measurements per year). This would also be useful to facilitate and standardize the implementation of the regulation across Member States, regardless of local regulations.

Emissions during operations and abnormal events - Article 20

The MRR requires the operator to take into account "emissions from regular operations and abnormal events, including start-up, shut-down and emergency situations, over the reporting period, with the exception of emissions from mobile machinery for transportation purposes."

This provision would be **difficult to implement in the WtE sector** when using calculation-based methodologies **during events such as start-ups, shutdowns and emergency situations**, and only applicable with continuous instrumentation and using emission measurement. We propose excluding the WtE sector from the calculation of emissions during such abnormal operations and events.

Minimum contents of Annual Reports - Annex X

The draft implementing regulation requires that the annual monitoring report includes all EWC codes of waste treated and that each waste be considered by source stream. This provision could pose a significant challenge for facilities that treat dozens of different categories of waste, delivered by different producers.

Therefore, we propose to allow the **standardisation of flows by homogeneous waste categories**, so that the number of source streams would be reduced.

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