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FEAD position paper to the emissions trading system (ETS) Monitoring and Reporting Regulation second batch amendment in response to the ETS revision

FEAD considers the requirement to determine the biomass fraction in flue gases of waste-to-energy facilities equipped with Continuous Emission Monitoring Systems (CEMS) on a monthly basis to be excessive (Article 1 (54) of the draft implementing/amending regulation).

The MRR regulation shows a certain flexibility, and this flexibility must be maintained, as shown in Article 24 of the EU ETS regulation. Therefore, we propose to remove point (54) of the draft implementing regulation and to allow Member States to follow their own approach, such as in France with the application of a fossil factor to the measured total CO₂, or in Germany with a methodology for calculating biogenic emissions based on a ratio per megajoule of the thermal capacity of each waste, as well as other Member States with their own approaches. These Member States will provide annual emission reports in the coming years. If these reports reveal low variability, imposing a monthly measurement frequency would prove to be a waste of time and resources in an already complicated economic context for all.

The C14 study conducted by ADEME in France¹, in collaboration with municipalities and operators, is the result of a collective and voluntary approach, showing the commitment of the sector since 2019. These monthly measurement campaigns conducted over a year in 10 Waste-to-Energy (WtE) plants and involving the C14 analysis of 148 samples, representing more than 2 million tons of incinerated waste (out of a total of 14 million tons), have established that the average fossil CO₂ rate of WtE is 42%. This rate is considered to be sufficiently representative of the sector in France. Such studies could be renewed every 3 to 5 years, thereby replacing the requirement for a high measurement frequency. In France, the total CO₂ of each installation is measured continuously, to which the fossil factor of 42% is applied.

Furthermore, we question the practical feasibility of monthly measurements and the compliance with associated uncertainties. Although some accredited laboratories already perform sampling and measurements, their limited number results in low competition and very high costs. In France, according to the current proposal of monthly measurements, the potential cost for municipalities would be 4 to 5 million euros per year. Ignoring this could have an indirect financial impact on the entire sector, leading to additional fiscal pressure on households in terms of treatment costs.

Annex VIII, Section 1 of the MRR Regulation states that the uncertainty for category B-C installations must be 2.5%. This is not achievable with the currently available technologies (flue gas analysers). Total CO₂ analysers (including the measurement of flue gas flow

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>

necessary for calculating the CO2 stream), following QAL1 certifications of suppliers, have an uncertainty of around 5 to 7%. Given the current state of available technologies, it seems impossible to meet the particularly high requirements through the total CO2 measurement methods.

Please find further information about our position in relation to the monitoring and reporting rules in the [position paper](#) submitted in summer 2023.

FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe, including 19 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fuelling €5 billion of investments into the economy every year. For more information, please contact:

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