Questions and answers on importer requirements of EU Methane Regulation (EU) 2024/1787

Disclaimer: This Q&A is intended to contribute to a better understanding of Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942. It is intended purely as a guidance tool – only the text of Regulation (EU) 2024/1787 has legal force. The binding interpretation of EU legislation is the exclusive competence of the Court of Justice of the European Union. Neither the European Commission nor any person acting on behalf of the European Commission is responsible for the use which might be made of the following information. As this guidance reflects the state of the art at the time of its drafting, it should be regarded as a 'living tool' open for improvement and its content may be subject to modifications without notice.

1. CHALLENGES TO COMPLIANCE DUE TO COMPLEXITY OF SUPPLY CHAIN

Q1. In the short term, can a declaration of "unspecified origin", or a declaration based on reasonable assumptions be accepted to meet importer requirements?

Further context/details provided by the industry:

When importers are not able to declare nor identify the origin of the production associated with their contracts, as explained before, it should be acceptable to declare it in such a way. This could be valid at least in the short term, until other options could be addressed. The declaration of "unspecified origin" wouldn't preclude importers to provide other information associated, for example, with exporting facilities (e.g. liquefaction plants), when available, or submitting a declaration based on reasonable assumptions, indicating the sources of information.

A1.

Importers are required to report annually to the competent authorities the information set out in Annex IX, which covers the obligations laid down in Articles 27 to 29.

There are no derogations in the EU Methane Regulation from the reporting requirements for goods imported from unspecified or unknown origin. Any other approach would amount to treating goods imported from different origins differently, which the Regulation does not allow.

Where importers fail to provide the required information set out in Article 27, in whole or in part, they must present sound justification to the competent authorities for such failure and set out the actions that they have undertaken to obtain that information.

In case of inability to present the information required by Annex IX to the Regulation, importers must clearly demonstrate why they were unable to provide the required information.

Note that the possibility to present sound justification to the competent authorities for failure to deliver information exists in the Regulation only in the case of Article 27(1) and Article 28(2) BUT only for existing contracts before 4 August 2024 while it doesn't exist at all in relation to obligations set out in Article 29.

In the event of a breach, financial penalties may be applicable by a competent authority, pursuant to Article 33.

The above rules must be read in conjunction with the requirements set by the Union Customs Code which requires all goods destined for the EU market to present a proof of origin, indicating the country or territory of origin of a good. Its absence would prevent the Union customs authorities from applying the relevant rules to the good, based on its origin, and to determine whether it may be released for free circulation/ its placing on the EU market. On this basis, it is expected that the importer has the necessary means and ways to prove the country of origin of a good to the competent authorities. More details on customs formalities for EU importers are provided here: Customs clearance documents and procedures | Access2Markets (europa.eu).

Q2. How can a third country exporter who sources commingled gas from trading hubs provide to an EU importer certain information required under Article 27/Annex IX?

Further context/details provided by the industry:

How can the exporter know: the name of the producer, regions where the gas is produced, the regions through which the gas is transported, whether the producer is carrying out source- and site-level measurement and quantification, whether that data are subject to independent third-party verification, what LDAR and V&F measures to control its methane emissions a producer applies, etc.

A2.

Importers and exporters need to make sure that the required information is passed down to them via the person/entity they have a direct relationship with.

Q3. To comply with the Regulation, importers will rely on information provided by exporters and producers – but what happens if an importer does not have a direct contractual relationship with a producer?

A3.

Importers need to make sure that the required information is passed down to them via the person/entity they have a direct relationship with.

Q4. The EU Methane Regulation contains obligations on importers of crude oil, fossil gas and coal into the EU which will require them to provide information on and evidence of the methane intensity as well as MRV in place at the level of the production of the energy they are responsible for placing on the EU market. However, the Regulation does not say anything about how they should demonstrate compliance with those obligations, so

How can importers provide proof of having met such obligations/demonstrate compliance with the Regulation's importer requirements?

A4.

The Regulation defines the type of information that importers are required to present to demonstrate compliance with the importer requirements.

While the text of the Regulation does not impose any particular system of gathering this information or a method to ensure compliance, it refers to the possibility to demonstrate

equivalence with MRV requirements for oil and gas through compliance with the OGMP 2.0 level 5; and it refers to a third-party verification as a means of demonstrating compliance, pursuant to Article 28(5)(a)(i). Importers may therefore gather their information in different ways, which will be subject to the assessment of EU Member States competent authorities, in terms of satisfying the requirements of the Regulation.

Q5. How can importers obtain a reasonable degree of legal certainty that when they demonstrate certificates to their competent authorities, these are recognized?

In other words: how can exposures of importers to legal challenges in national courts be reduced/mitigated?

A5.

The Regulation does not prescribe either any system of certification or system of compliance, but it makes clear what information importers need to provide to competent authorities of the EU Member States they are established in, to be compliant with the requirements of the Regulation.

When independent verification is required, information should be provided on who these verifier companies/institutions are, if/where they are accredited etc, in line with the definition of verifier in Article 2(14) and information to be provided pursuant to Annex IX.

2. CONTRACTS

Q6. Article 28(1), 28(2), 29(1), 29(2): Our understanding is that a contract is 'concluded' at the date of signature by all parties to the agreement. Please confirm.

A6.

There are a few ways which could indicate when the contract is concluded, depending on the will of the parties, which should be clearly spelt out, for example:

- Date of signature by all parties (physically present)
- Date of signature by the last party if the contract is signed electronically/by written procedure
- Date on which the contract starts applying if different from the date of signature
- Date on which the contract starts being executed if different from the above

Q7. The methane rules will apply to contract renewals. Does that include revised contracts? (contract renewal and revision are often used interchangeably, meaning when contracts are renewed often conditions are evaluated and if necessary updated. However, if we do not consider the revision of existing contracts- which typically happens every so many years - a renewal, then evidently the rules will not apply to a whole score of contracts for a long time).

A7.

In Articles 27, 28 and 29, the obligations are said to apply to 'the contracts **concluded or renewed'** on or after a particular date. Hence any contract concluded or renewed on or

after the date in question should be treated as a new contract which must comply with the obligations of the Regulation.

By means of guidance, a contract might be considered as a new or renewed contract if one of its essential elements is new, for example:

- Entirely new contracts concluded on or after 4 August 2024;
- Renewed contracts: renewed between the same contracting parties but they contain a new duration, and possibly new price (formula) and/or a new volume. Date of signature is on or after 4 August 2024;
- Tacitly renewed contracts: automatically renewed between the same contracting parties but they contain renewed duration, an essential element, even if the rest remains intact and the renewal date falls on or after 4 August 2024.
- Substantially revised, existing contracts: where several key elements of an existing contract (contracting parties, duration, product scope, product volume, price (formula)) are modified and possibly also other modifications are made, e.g. method of settling disputes, provisions on compensation for damage or non-delivery etc. The contract is signed on or after 4 August 2024.

By contrast, an amendment to an existing contract which does not impact its fundamental elements (contracting parties, duration, product scope, product volume or its price (formula)), might be considered as an amendment/addendum to an existing contract and not as a renewed or a new contract.

Q8. As regards the obligation in Article 29(1), would contracts that are signed on or after 4 August 2024 but that expire before the methane intensity reporting obligation starts applying <u>on 5 August 2028 be</u> covered by the obligation?

A8.

The obligation applies only to the contracts in force at the time of its application (5 August 2028), especially given that for its fulfilment it relies on the adoption by 5 August 2027 of a Commission delegated act containing the methodology which will have to be used to calculate the methane intensities to be included in those contracts.

Q9. Pursuant to Article 28(1), the obligation to report to competent authorities on MRV equivalence starts from 1 January 2027, but this relates to supply under relevant supply contracts concluded or renewed on or after 4 August 2024. Please confirm that this means that from 1 January 2027, importers are required to demonstrate that all supply from 4 August 2024 – 1 January 2027 is MRV equivalent (with annual updates thereafter). In other words, if a party enters into a new relevant supply contract today, the supply must be MRV equivalent at producer-level, as the importer will need to demonstrate this to competent authorities from 1 January 2027.

A9.

If these contracts are still active in January 2027, they will have to comply with the requirement of Article 28(1) and report on these contracts as of 1 January 2027.

Q10. Penalties cannot apply to contracts concluded before entry into force, correct? Since reasonable efforts are not defined, what is the oversight framework that applies, if any?

A10.

Incorrect. Contracts concluded before entry into force of the Regulation are subject to an obligation of reasonable efforts, as per Article 28(2), starting on 1 January 2027. Therefore, the failure to provide the information required in Article 28(2) needs to be justified and backed by the actions undertaken by the importer as part of their reasonable efforts. Where, based on those justifications, the competent authorities conclude that no reasonable efforts were deployed, penalties could be imposed by that authority. Those penalties should be effective, proportionate, and dissuasive. When imposing penalties, the relevant authorities should duly take into account the nature, gravity and duration of the infringement in question.

Q11. How to address/mitigate the challenge of having to provide detailed importer obligations which can impact the conclusion of supply contracts since entry into force?/ How is it possible to set the terms of contracts today for future delivery without knowing what requirements the methane intensity methodology will contain?

A11.

Importer obligations are clearly established in the Methane Regulation. While implementing details and technical conditions will be determined by implementing and delegated acts, the industry can already prepare for the said requirements by including safeguards in their supply contracts.

There are several contractual instruments in principle available to the parties: defining clear obligations regarding regulatory compliance, force majeure or hardship clauses (to account for changes in importer obligations due to regulatory shifts), indemnity clauses allocating risks of non-compliance, price adjustment mechanisms (in case compliance costs increase significantly), regular contract reviews.

Industry can also provide regular information to their supply chain partners to ensure they understand their roles in compliance, especially with regard to the importer obligations.

The industry has experience in drafting contracts today that will last some years into the future and to make provisions in those contracts to reflect the uncertainty as regards future developments.

Q12. What information will be published? How will commercial confidentiality be maintained?

A12.

A key objective of the EU Regulation is to achieve much higher levels of transparency and disclosure on the reporting and abatement of methane emissions than currently exists

globally. It is considered that all the information and data which the Regulation imposes on operators and importers is of interest to the wider public and should therefore be publicly available and free of charge. Should such information not be delivered, there is the risk that the obligated parties will be considered to not have complied with the Regulation, and may face the consequence of non-compliance. The industry should consider the possible reputational risk as such non-compliance will be reflected in the country/company Methane Performance Profiles that the Regulation tasks the Commission to adopt and make publicly available.

3. MRV REGULATORY EQUIVALENCE (ARTICLE 28)

Q13. Which authority will be responsible for determining the equivalence of third country independent third-party verifications according to Article 28(5)(a)?

A13.

Article 28(5)(a) refers to the equivalence of MRV measures applied by producers established in a third country.

According to Article 28(1) and 28(2), importers must demonstrate such equivalence to the competent authorities of the Member State in which they are established.

Those competent authorities will have to verify the documents provided by an independent third party verifier that "crude oil, natural gas and coal are subject to independent third party verification equivalent to that set out in Articles 8 and 9 and the producer established in a third country applies: (i) for crude oil and natural gas, monitoring and reporting measures ensuring quantification of methane emissions equivalent to those set out in Article 12 or monitoring and reporting at OGMP 2.0 level 5; (ii) for coal, monitoring and reporting measures equivalent to those set out in Article 20."

Q14. Article 28(2): "Those [reasonable] efforts may include the amendment of those contracts". Can you confirm that those efforts also include the contract amendment proposal by the importer irrespective of its acceptance by the exporter?

A14.

The assessment of "reasonable efforts" would have to be done on a case-by-case basis by the competent authorities. The assessment would typically include at least: whether the obligated party took timely appropriate actions based on available information, explored feasible alternatives, and acted in line with the requirements of the Regulation and industry standards or common practices that are compliant with that Regulation.

Q15. How can suppliers commit to MRV equivalence today, when the methodology outlining how equivalence will be recognised for countries is still to be developed?

A15.

Producers and exporters can commit today to achieve MRV equivalence by 2027 by fulfilling the requirements of Article 28(5)(a) by that date, which set the terms of MRV equivalence at the level of the producer, including by joining OGMP 2.0 today, and making

sure they have reached level 5 by January 2027 and have their methane emission data independently verified.

Q16. What will the Commission deliver on MRV equivalence in the single IA and the various country specific IAs, i.e.: what will be the purpose of these IAs and what will they contain generally.

A16.

As per Article 28(6), 'the Commission will set out by means of an implementing act, the procedure and requirements concerning evidence to be provided by a third country for establishing [regulatory] equivalence'. It will form the benchmark that will be used to undertake the individual country-specific assessments of equivalence in view of a recognition of regulatory equivalence for individual third countries in the various country-specific implementing acts (IA)s.

The country-specific IAs will therefore not be adopted before the general IA is adopted.

The general implementing act will be adopted in accordance with the examination procedure (Article 5 of Regulation (EU) No 182/2011).

Specifically, we cannot prejudge the contents of what will be adopted in the general Commission implementing act on this matter.

However, setting the terms of regulatory equivalence typically includes, at least:

- Setting out the method for the assessment, notably the existence of an equivalent legal framework, effective supervision, and enforcement;
- Clarifying what input and evidence will be required by the Commission and how these should be provided;
- Clarification of the process for ensuring continued compliance with equivalence requirements after the initial decision on MRV equivalence was taken;
- Determination of the inspection methods that will verify the compliance with the criteria and provide input to the Commission;
- Description of the process and indicative timelines;
- Description of the involvement of third country authorities, including regular monitoring and enforcement;
- Description of the monitoring and review/withdrawal process envisaged after an equivalence decision has been taken, if not regulated in the basic act, or providing further details to ensure uniform application at Union level.

The various country-specific implementing acts will consist of Commission decisions establishing equivalence for a specific third country.

Q17. How would the Commission define equivalence at country level in the IA?

A17.

The text of the Regulation is already detailed and precise about what is considered equivalent to the MRV parts of the EU Methane Regulation in third countries:

Article 28(5((b): Monitoring, reporting and verification measures will be considered equivalent to those set out in the Regulation… in the [case whereby]: a third country has in place and applies to producers and exporters established in that country and supplying crude oil, natural gas or coal to the Union market an MRV regulatory framework that is at least equivalent to that applied in the EU. In particular, the third country has demonstrated that those requirements ensure at least:

- source and site level quantification and regular reporting as per Articles 12 (oil and gas) or 20 (coal)
- and that it has been independently verified in line with Articles 8 and 9, and that
- effective supervision and enforcement are in place.

In addition, Article 28(6) also states that [regulatory] equivalence is to be established by the Commission by means of an (individual) IA for each relevant third country ONLY where the third country fulfills all the conditions of Article 28(5)(b) AND all required evidence is provided (no date set in Regulation).

Q18. Which third countries will be prioritised to agree on MRV equivalence?

A18.

The procedure of establishing equivalence may be initiated on the request of a third country or by the Commission. That procedure should only be pursued once the general implementing act setting out the procedure and requirements concerning evidence to be provided by a third country for establishing (regulatory) equivalence has been adopted.

The Regulation requires the Commission to engage actively with all third countries exporting crude oil, natural gas or coal to the Union specifically with a view to support them in establishing a monitoring, reporting and verification system equivalent to that established in the Regulation.

The exact order of engagement remains to be determined.

Q19. How long does the Commission envision that it will take to assess MRV equivalence?

A19.

As regards producer level regulatory equivalence, the assessment can take place within a short amount of time, as this information could be obtained directly from OGMP Database.

As regards country level regulatory equivalence, the length of the procedure will depend in part on the cooperation and responsiveness of the competent authorities of third countries.

Equivalence assessments typically involve an intensive dialogue with the competent authorities of the third country and will require adequate evidence to be delivered by those authorities.

Those assessments are meant to provide the necessary technical grounds on which the Commission may pursue its decision making on equivalence.

The procedure of establishing equivalence should only be pursued once the single implementing act setting out the procedure and requirements concerning evidence to be provided by a third country for establishing (regulatory) equivalence has been adopted.

Q20. Model clauses: what is the envisaged process to develop the optional model clauses? When will they be ready? Will optional model clauses be developed to handle the associated knock-on impacts up the full value chain? Will the Commission consult the industry on the text?

A20.

The Methane Regulation requires the Commission to issue recommendations containing model clauses related to the information to be provided for the purposes of Article 28(1) and (2). While there is no deadline set in the Methane Regulation, the Commission services are working to deliver the model clauses in the shortest possible time and will be consulting stakeholders in accordance with the Better Regulation framework. In that context, the services remain open to engaging with stakeholders and international partners.

The model clauses should be limited in scope to suggest solutions only with respect to the meeting of MRV obligations pertinent to the EU Methane Regulation. The Commission services may consider the input of the industry to develop the relevant clauses.

Q21. From what year does demonstration of verification of methane emissions become mandatory for oil/gas/coal exported to the EU?

A21.

Independent verification in line with the Regulation is required from 1 January 2027 for all contracts adopted since August 2024 that are still active on 1 January 2027.

4. REPORTING REQUIREMENTS (ARTICLE 27 AND ANNEX IX)

Q22. For which third country operators do EU importers have to collect the information required under Annex IX (3) (4) and (5).

A22.

Annex IX should be read together with Articles 27, 28 and 29, as well as Recital 69.

The information requirements concerning MRV equivalence (Article 28) and methane intensity (Article 29) concern the producer only.

However, the information requirements on methane emissions data & information to be submitted pursuant to Article 27 and framed by Recital 69 cover both the exporter and the producer in case the two are not the same.

Annex IX(1) sets out clearly the requirement to provide "...name and address of the exporter and, if different from the exporter, name and address of the producer" : while it conveys the obligation to inform who the exporter is, it is clear that it also requires the

producer to be identified. Annex IX(3) to (5) should be read in the same manner: name of exporter on top of producer only if the two are not the same, so in every case the information requirements focus on the producer.

Indeed if importers typically only have a contractual relationship with the exporter and do not know who the producer is – they will need to require this information from their contractual counterpart from now on.

Q23. Which period is covered by the first report of Annex IX, due 9 months after the Regulation's entry into force?

A23.

The first reports under Article 27 are due by 5 May 2025.

All information under Annex IX refers to the previous calendar year. Although this is only explicitly stated in points 4 and 6, both points 3 and 5 refer to the reporting Articles 12(4) and 20(6), which explicitly refer to "the last available calendar year".

As regards the reports due by 5 May 2025, the last available calendar year is 2024 (January to December). However, the Regulation entered into force in August 2024, so the obligation to report (i.e. collect the information and report it) only starts applying after the Regulation's entry into force. Therefore, the period covered by the first report is from 5 August 2024 to 31 August 2024. The companies may decide to provide data for the full year 2024 on a voluntary basis.

For the second report due by 31 May 2026, the period covered should be from 1 January 2025 to 31 December 2025.

Q24. After the first report, due in 5 May 2025, is there any more reporting due the same year (31 May)?

A24.

No.

Q25. Does the information required under Annex IX (3) and (4) refer to producer measures for the molecules imported to the EU, or does it refer to the producer's entire portfolio?

A25.

The title of Chapter 5 indicates the territorial scope of obligations in relation to imports – only methane emissions of crude oil, natural gas and coal placed on the Union market are subject to obligations set out in Article 27 and Annex IX.

Q26. Crude oil reporting obligations for importers: should be performed at production asset level or should we report at crude blends? Some of the blends can consists of more than 10 assets contributing into the than blend.

A26.

All importer requirements are at the level of the producer, and therefore should be performed at production asset level.

Q27. What is considered the equivalent of NUTS level 1 territorial units in third countries, as mentioned in Annex IX (2)?

A27.

NUTS is a classification that subdivides the economic territory into units, notably administrative units. To this end, 'administrative unit' is, according to the NUTS Regulation 1059/2003, a geographical area with an administrative authority that has the power to take administrative or policy decisions for that area within the legal and institutional framework of the Member State. There are average size values (in population) of administrative units to classify them as NUTS 1 (3 to 7 million) NUTS 2 (800k to 3 million) and NUTS 3(150k to 800k)].

NUTS classification is indeed defined only for EU Member States, EFTA and EU accession candidate countries (NUTS 2024 classification is valid from 1 January 2024 and lists 92 regions at NUTS 1. NUTS 1 covers the socio-economic regions in each Member State.

Eurostat, in agreement with the countries concerned, also defines a coding of statistical regions for countries that do not belong to the EU but are either:

- candidate countries awaiting accession to the EU or
- potential candidates or
- countries belonging to the European Free Trade Association (EFTA).

ESTAT explains that such structures are not always applied in the same way across jurisdictions and that it can contain a mixture of administrative levels. This is why, as a matter of principle, the Regulation targets what is equivalent to NUTS 1 in the EU's partner countries.

The intention in the Methane Regulation is to cover the first sub-division level below the country level. The idea is to be able to draft Methane Performance Profiles for sub-country level, to cover for example basins and geological formations that are only relevant to part of the national territory.

Q28. Will the Commission develop a common reporting template for importers?

A28.

A template is not foreseen in the Regulation; all information to be provided is set out in Annex IX.

5. TERMS & DEFINITIONS

Q29. Article 28.5(a)(i) and Annex IX(8) refer to equivalence 'at the level of the producer', while Article 28(5)(b) refers to country-level equivalence 'at the level of production and exporter'. What is the reason for this difference?

A29.

This difference is the result of a policy choice made by the co-legislators. Producer-level equivalence enables producers to demonstrate MRV equivalence to facilitate the reporting tasks imposed on importers by Article 28(1) and (2). By complying with Article 28(5)(a)(i), these producers can gain a competitive advantage over other suppliers when supplying the EU market, since MRV measures at producer level must be demonstrated in supply contracts pursuant to Article 28(1) and (2). By contrast, Article 28.5(b) is deliberately wider since its purpose is establishing MRV equivalence at State level. It therefore requires the third country to have in place and apply MRV rules not only to all producers but also to exporters established in its territory, in a way that is equivalent to the broad scope of MRV rules applied in the EU. On this basis, the Regulation expects the third countries aspiring to obtain MRV equivalence should ensure that both their producers and exporters are covered, since they may be the source of methane emissions when exporting coal, gas or crude oil to the EU.

Q30. Does 'at the level of the producer' in Article 28 include 'processing' and if so, does it include processing inside and outside the licensed area?

A30.

The term producer is defined in the Regulation in Article 2(58) as 'an undertaking which, in the course of a commercial activity, produces crude oil, natural gas or coal, by extracting it from the ground in a licensed area, processing it or conveying it through connected infrastructure **within** that licensed area'.

The term therefore includes processing provided that it takes place **within** the licensed area.

Note that the term "production location" is used in Article 14(5), for the purposes of separating the requirements applicable to a production location and a processing location.

Q31. Who is the importer? Is it the entity linked to the physical delivery at the interconnection point (IP) with a third country or EU LNG terminal (i.e. the one that booked the capacity) or is it the entity listed in the customs declaration?

A31.

Definition in the Regulation (Article 2(59): 'importer means a natural or legal person who, in the course of a commercial activity, places crude oil, natural gas or coal originating from a third country on the Union market, including any natural or legal person established in the Union appointed to carry out acts and formalities [on the importers' behalf] required under Chapter 5'.

It is linked to the custom process, not to capacity bookings(although the latter could be done by one and the same natural or legal person). The importer is any natural or legal person established in the Union who places on the EU market goods coming from a third country, and for this purpose has a legal responsibility of ensuring that all customs formalities are completed to ensure the release of the good for free circulation on the Union territory.

The importer makes the payment of tariffs (if applicable), and, if applicable, other taxes or levies. This includes the situation where such formalities are carried out on his behalf

by another natural or legal person, such as a carrier. The name of importer is therefore indicated clearly in the required documentation, such as import invoice. An importer must be established in the EU in order to import and place the goods on the EU market.

Q32. To which competent national authority should an importer report to if it is not established in an EU Member State?

A32.

An importer must be established in the EU, otherwise it cannot lawfully place goods on the EU market. An importer may be assisted by a natural or legal person appointed to carry out acts and formalities on its behalf.

Q33. What does 'placing on the Union market' mean? Does it apply to both physical importers and pure traders that do not operate any physical assets?

A33.

'Placing on the EU market' means making a product physically available on the Union market with a view to its distribution or use within the Union. For the purpose of the Regulation it means placing physically oil, gas and coal on the market for further distribution or use, once the importer has satisfied the import requirements (which can be consulted, per product, here: Customs clearance documents and procedures | Access2Markets (europa.eu).

Therefore, only physical imports are covered.

Q34. Does Chapter 5 apply to gas used in the EU only, or also LNG reloads and the LNG cargos sold Free On Board (FOB) initially destined for the EU (if the potential delivery point is specified in the original contract, but potentially sold elsewhere)?

A34.

It applies to gas physically placed on the EU market.

Q35. Where specific volumes of natural gas are, from time to time, imported e.g. by a large consumer for own use, and gas is thus not placed on the market, how do the rules capture this?

A35.

'Placed on the union market' should not be interpreted to mean 'placed for distribution, excluding own use'. Own use is included in the definition of 'placed on the Union market' and to enable it, import formalities must have been satisfied and the product will have been released for free circulation by the customs authorities on the Union market, either for direct own consumption or use on the Union market. The above is without prejudice to the rules on inward processing of certain goods on the EU territory, to which specific customs rules, including rules of origin, may apply.