

EU ETS Compliance Forum Newsletter No. 1 March 2013

First issue of the Compliance Forum Newsletter

This first issue of the Newsletter of the EU ETS Compliance Forum has been published on the initiative of the Compliance Forum Steering Committee in order to give more publicity to Compliance Forum (CF) activities and objectives, including information on the activities of the Compliance Forum Task Forces (TFs) and best compliance practices as examples for Competent Authorities (CAs). **Contact details are advised in the next section for the Task Force Managers and how to gain access to Sharepoint which provides a shared platform in support of the CF and TFs, including a repository for documents produced and exchange of comments.**

Standing invitation to join CF Task Forces and access to Sharepoint

CA representatives are strongly encouraged to gain access to Sharepoint and to join and participate in the activities of the CF TFs. If you are interested in either or would just like to be included in the e-mail circulations of a Task Force, please contact:

TF-I Monitoring: Doris Tharan: doris.tharan@uba.de

TF-II Aviation: Mark Sinton: mark.sinton@environment-agency.gov.uk

TF-III E-Reporting: Andrew Matterson: andrew.matterson@environment-agency.gov.uk

TF-IV CCS: Jürgen Landgrebe: juergen.landgrebe@uba.de

TF-V Accreditation and Verification: Margreet Kleijn margreet.kleijn@emissieautoriteit.nl

or the coordinator of the CF Secretariat:

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The above will help arrange personal logins and passwords allowing access to SharePoint:
<https://anubis.uba.de/websites/EU-CF>

1st Announcement: 4th CF Compliance Conference

To save in your agenda
4th EU ETS CF COMPLIANCE CONFERENCE
on 3rd & 4th JUNE

Preparations are on-going to organise the 4th CF Compliance Conference which will be held in the Borschette Conference Centre, Rue Froissart 36, Brussels. A programme for the 2-day conference is being set and will soon be made available to WG III of the Climate Change Committee. The 2013 Conference Motto is: ***Effective Compliance and Enforcement in the 3rd EU ETS Trading Period***

2013 Work Plan of the CF Task Forces agreed by the Steering Committee

In its 15th meeting, the Compliance Forum Steering Committee agreed on the 2013 CF Work Plan, proposed by the Task Force managers. The main elements of the Work Plan for 2013 are:

Task Force Monitoring will exchange information and experiences related to monitoring and reporting, including approval of monitoring plans (MP) and implementation of guidance developed by the Commission (COM) ensuring harmonised interpretation of the Monitoring and Reporting Regulation (MRR). Furthermore, the Task Force will provide concrete examples on subjects such as a MP validation check-list for CAs, uncertainty assessment of measurement instruments, operator's sampling plans and unreasonable costs for issues other than those regulated under Article 18 of the MRR. It will also address specific monitoring and reporting issues such as limited proof for quality of supplier data, estimation of preliminary emission factors for mixed biofuels and materials, and methods for "conservative" closure of data gaps, etc. Other TF agenda issues will concern sharing experiences with on-site visits, providing examples of improvement reports and exchanging experiences on enforcement issues for stationary installations.

Task Force Aviation intends to focus on the following priorities:

Priority 1: Harmonising approaches concerning Aircraft Operators (AOs) who (temporarily) cease to fly (e.g. issuing allowances, improvements to the list of AOs); coordinating how MS could handle AO's mergers, splits, bankruptcies and other challenging situations; exchanging information on enforcement and how to practically implement the COM decision to temporarily defer enforcement of EU ETS requirements with respect to AO's flights to or from third countries.

Priority 2: Exchanging experiences on verification of emission reports and review of emission reports (AERs) by the CA; continuing with further harmonisation of issues such as approval of MPs; assisting in the identification of gaps in the guidance documents templates; providing input to guidance on the use and application of the special reserve.

Priority 3: Seeking common approaches on confidentiality of commercially sensitive data; refining the use of the ETS Support Facility (ETS-SF) and the Small Emitters Tool (SET).

Task Force E-Reporting intends to support the development and implementation of an XETL governance structure (management and change control methodology), contribute to improving XETL and its adjustments to Phase III requirements. It will also provide support to the COM in engaging Member States (MS) in the IT developments and involving other stakeholders – industry, verifiers, national accreditation bodies (NABs), EUROCONTROL and MS software developers. Other elements of the TF's agenda for 2013 are: assisting the COM in arranging capacity building and training on workflow systems for MS, exchanging information and promoting the use of IT systems for the EU ETS compliance processes.

Task Force Carbon Capture and Storage (CCS) aims at sharing experiences on CCS issues that come up during the approval process of MPs and exemplars of MPs developed by the TF. It also intends to evaluate compliance issues in relation to the ETS and Storage Directives, the MRR and the Accreditation & Verification Regulation (AVR), as well as exchange compliance relevant information on the realisation of the first CCS projects and the implementation of national laws.

Task Force Accreditation and Verification: The Steering Committee has supported the establishment of this new Task Force which is now only just being set up. The TF's activities for 2013 await its inaugural meeting (see next section) before confirmation.

Task Force meetings - where to find information - SharePoint

TF Monitoring has recently held its 11th meeting on Friday 28th February in Oslo. TF meeting documents and papers, and also other details are available at SharePoint. The 12th meeting of the TF is planned for 17th April 2013.

TF Aviation plans to hold its 12th meeting on 10th April 2013 in Brussels at EUROCONTROL. Information with respect to latest developments on ETS-SF is available on SharePoint.

TF E-reporting has processed information and answers received from the CAs in response to the Questionnaire on MS interest in common development of IT tools. Information on the questionnaire outputs has been made available to the Technical Working Group assisting the Commission's E-reporting project and the TWG I meeting which took place on 15 February. The information is also available on SharePoint.

TF Carbon Capture and Storage is to organise a CCS Workshop in Italy in July. The precise date has not yet been determined but will be made available on SharePoint.

TF Accreditation and Verification plans its inaugural meeting on 18th April 2013 in The Hague.

2nd 2012 Compliance Forum Event

On 1 and 2 October the 2nd 2012 EU ETS Compliance Forum Event took place in the Charlemagne Building, Brussels. Over 100 participants from MS, CAs and NABs attended the Event, entitled: *Moving towards the third trading period of EU ETS compliance: keeping it simpler, more efficient and more effective.*

Objectives of this 2nd 2012 CF Event were: to provide information about the guidance documents supporting the implementation of the EU ETS MRR and AVR; to explore the Information Exchange and IT Requirements for the 3rd Trading Period; and to discuss Plans and Projects for 2013 to support the EU ETS compliance processes and other improvements. The underlying key aim of the Event was to facilitate CAs compliance process for 2013 and beyond.

All materials related to the 2-day Compliance Forum Event are available on the European Commission (EC) website: http://ec.europa.eu/clima/events/0059/index_en.htm

Guidance documents to MRR and AVR available on the Commission's website

Guidance documents to the MRR and the AVR were endorsed in the Climate Change Committee (CCC) meetings of 7 June, 11 July, 19 September, 17 October and 15 November 2012. All endorsed guidance documents to the two regulations are available on the EC website: http://ec.europa.eu/clima/policies/ets/monitoring/documentation_en.htm.

2012 Work Plan of the Task Forces Completed

TF-I Monitoring provided concrete and timely inputs to the Commission's MRR guidance project. Inputs included: proposed templates for MP; working papers on uncertainty

assessment of activity data and assessment of unreasonable costs; update of the IMPEL/ETSG frequency analysis tool on calculation factors; update of the IMPEL/ETSG tool to interpret the MRR requirements for non-accredited laboratories; a template for sampling plans; information on suitable standards (for sampling, analyses, biomass/fossil fractions and CEMS).

TF-II Aviation focused its attention on achieving common understanding on technical, legal and operational aspects of aviation specific issues relevant for the development of MRR and AVR guidance material. The TF exchanged information on aviation-specific issues affecting compliance with EU ETS (e.g.: mergers, acquisitions and splits between AOs, consequences when operators temporarily/permanently cease to fly) and experiences on the review and verification of AO's AERs; discussed enforcement of non-compliant AOs, and provided technical input concerning enforcement and penalties.

TF-III E-reporting delivered concrete inputs for Chapter VII MRR (Information Technology Requirements) and for new approaches on E-reporting. The TF presented ideas on how to develop an adequate governance structure and procedures for maintenance of XETL and for adapting XETL to the new MRR and AVR requirements, including for MPs, AERs and Verification Reports.

TF-IV Carbon Capture and Storage (CCS) developed examples of MPs for CCS chain installations, and explored practical solutions for the interaction of CCS and the ETS Directive.

Further information

Further information on activities of the Task Forces can be found on SharePoint
<https://anubis.uba.de/websites/EU-CF>

The following websites contain additional information on EU ETS related matters:

http://ec.europa.eu/clima/policies/ets/index_en.htm

<http://www.eurocontrol.int/articles/ets-support-facility>

<http://www.european-accreditation.org/content/home/home.htm>