

**enea**

**Nederlandse Emissieautoriteit**

**Dutch Emissions Authority**



## Enforcement and EU-ETS: Focus on inspections and sanctions

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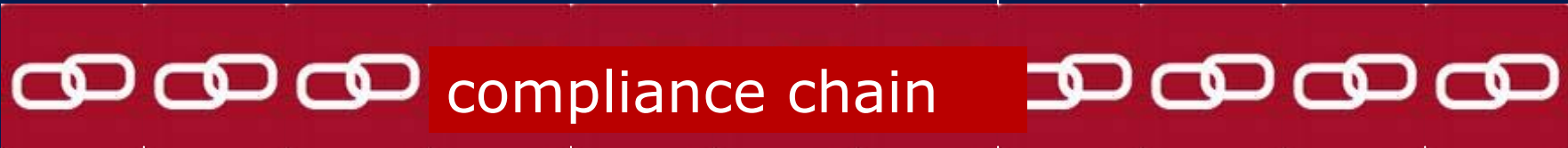
allowances



emissions

each element is equally important

Each ton CO2 emitted is also reported as such



monitoring

reporting

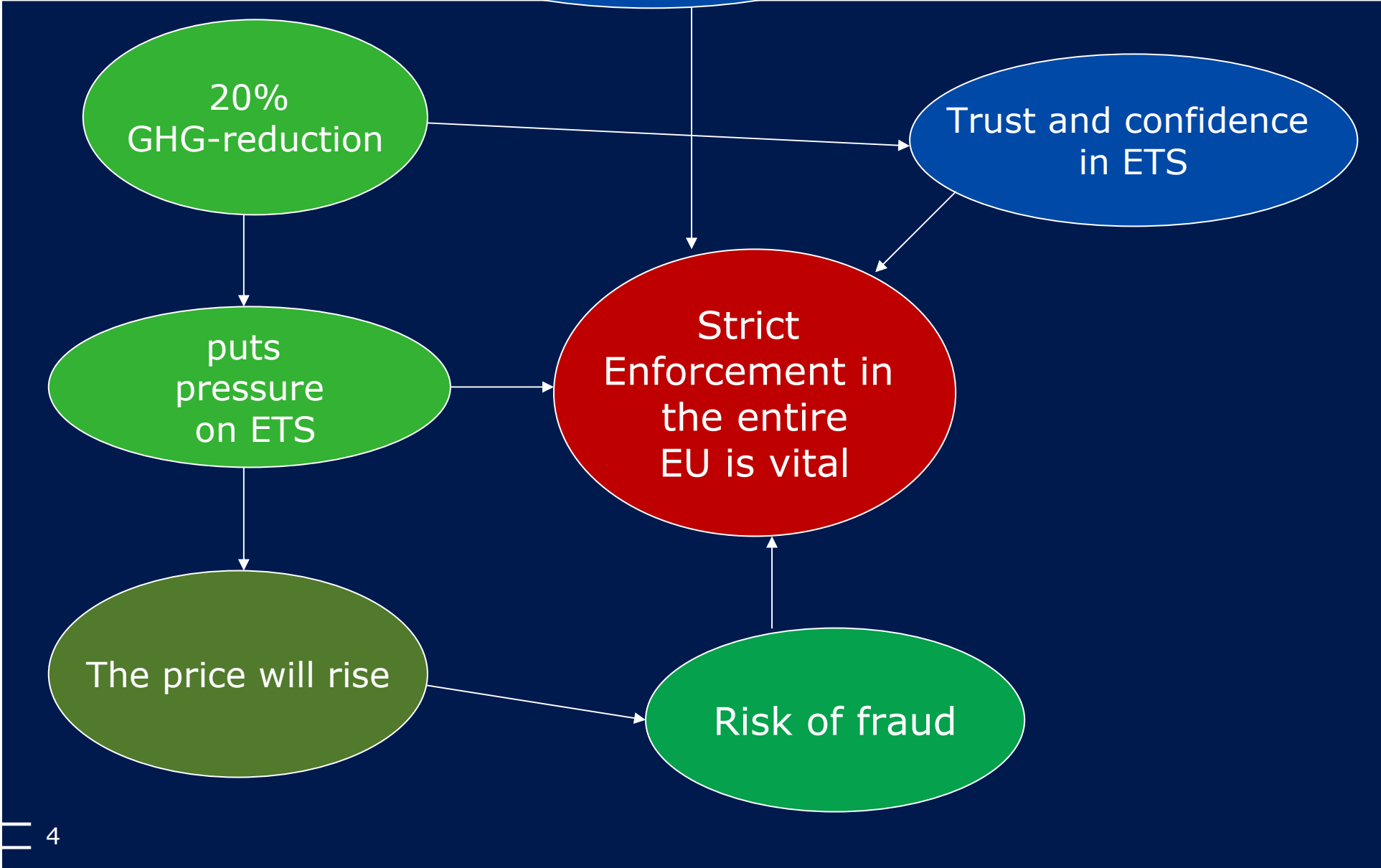
verification

accreditation

CA: inspections

CA: sanctions

EU-ETS is a EU-market



EU-ETS needs a harmonized approach (European Market) and strong enforcement in the entire EU

Shared interests

industry

MS

Commission

NGO's

public

Level playing field

20% reduction

maintain cost effective instrument

- EU-ETS directive was developed under high time pressure
- The importance of **uniform** procedures to ensure compliance in MRV is undervalued because
  - ❖ we had no real experience
  - ❖ other priorities at that time

Goal: a high level of compliance

- Well defined, harmonized and simple monitoring and reporting structure & requirements will contribute to a high level of compl. in entire EU
- High level of acceptance is important in order to stimulate compliance; timely and open communication with operator is important.
- Clear communication on inspection and enforcement strategy among MS

- There is no harmonization in
  - ❖ the application of sanctions by the MS
  - ❖ Inspections

How can we achieve more uniformity?

- There is a certain risk of operators exerting influence over verifiers
- There is no harmonization in accreditation and verification

Should we rely on verifiers/accreditation only?  
Is there need for CA inspections?



## Recommendations Inspections

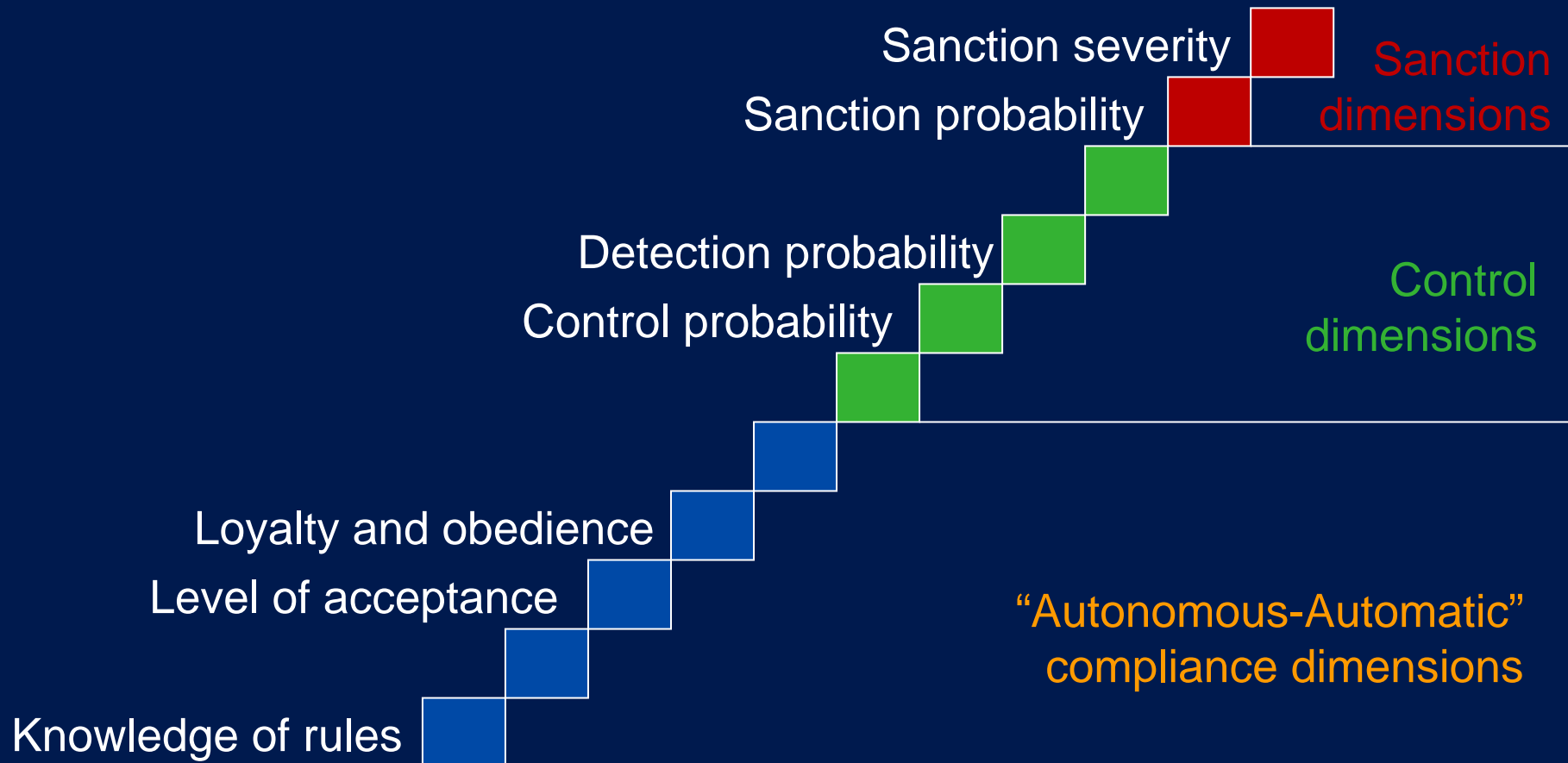
- develop shared inspections-strategy
- objective: guarantee all elements in the compl. chain

- Do not entirely rely on verification and accreditation
- The CA should carry out inspections → How often?
- ❖ Depends on how strong the acrr./verific. is
- ❖ No duplication of one another's work; but safety-net

→ In what way? on a risk basis  
Which elements are important?

- ❖ e.g. complexity, behaviour in the past, signs of verifiers

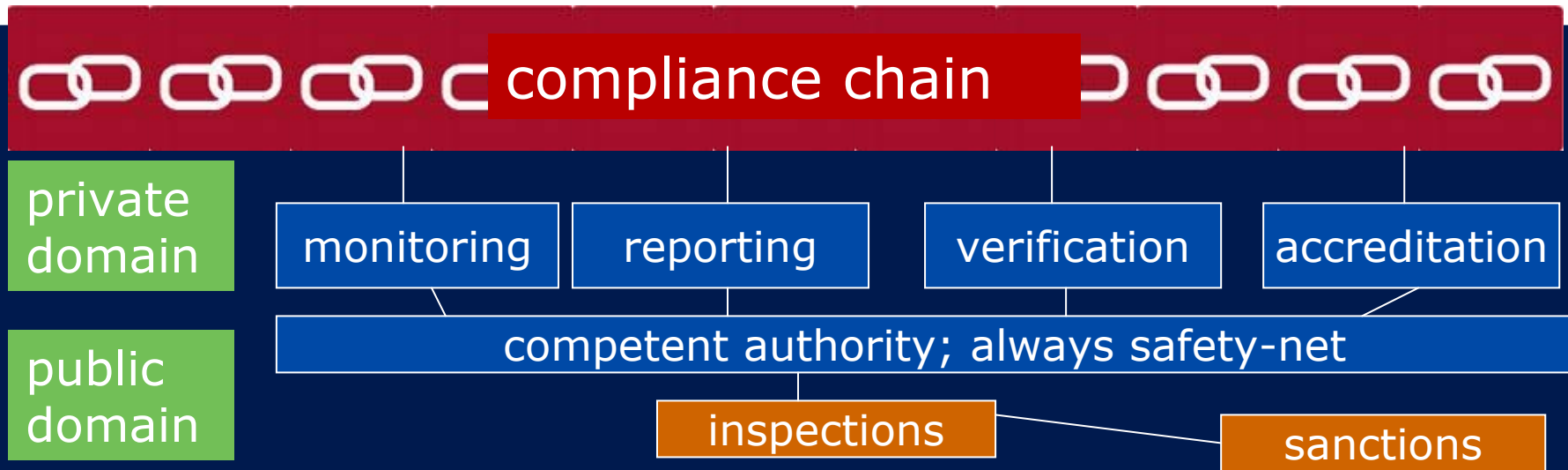
# Compliance & enforcement strategy



- Sufficient deterrent
- Enforcement of rules should be on the same level in the entire EU
- EU-priority-enforcement-list
- EU-list of effective sanctions per violation
- Question: will the fine of 100 euro in art. 16 still be adequate for 2012 and beyond? (Price)

- Cie could develop an EU guidance note on inspections and sanctions together with MS:
  - ❖ should lead to more harmonized approach
  - ❖ flexibility needed to accommodate different legal enforcement structures in MS

- Use IMPEL and institutionalize it as forum of CA for:
  - ❖ how the MS are enforcing the directive
  - ❖ all compliance issues
  - ❖ how they fill in their inspections (peer review)
  - ❖ exchange of best practice within the MS on ensuring compliance with the directive



- Clear structure of responsibilities between parties: Private Domain - Public Domain
- Clear monitoring & reporting structure / requirements
- Concentrate on high level of acceptance by industry
- Adequate inspection and enforcement strategy

**Thank you for your attention**

## **Contact**

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