

EU ETS Compliance: the Way Forward

Workshop Session I - Conclusions

Results of the Evaluation Project:

- A common basic structure of compliance cycle exists, but implementation varies strongly at the detailed level
- A strong learning effect in implementation can be seen
- Harmonisation efforts have received/receive
 - High attention in the areas of monitoring/verification
 - Increasing attention in the area of accreditation
- Differing approaches are not necessarily a problem as long as the outcome is comparable

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The Role of CAs

- Generally agreement that CAs are to ensure that the compliance cycle is carried out correctly - but MS differ in their understanding of the necessary activities in doing so
- A common understanding is needed of the role of CAs in the various steps of the compliance cycle and their necessary basic legal competence to ensure compliance
- The legal competence of CAs differs
- In a number of MS CA competences are split between various CAs, e.g. at national/regional/local level which increases complexity

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Harmonisation - What and to which extent?

- Practical items like checklists, monitoring plan and reporting layouts, etc. could be harmonised easily and with great benefit
- MS have different priorities of more general issues to be harmonised, e.g.
 - Available sanctions/Reaction to non-compliance
 - Approval procedures of monitoring plans
 - Review procedures of reporting results

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- Desired extent of harmonisation needs to be discussed.
Supportive to this discussion:
 - Overview of existing implementation practices including an assessment of the comparability of the outcomes
 - Discussion of practices to establish best practice list
 - Cooperative implementation of new sectors (aviation, CCS)
- On this basis necessity for changes in existing implementation and implementation options can be defined
- Legal implementation of harmonisation through binding set of rules vs voluntary implementation

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Workshop Session I - Workprogram Proposals for Compliance Forum

- Common understanding of competent authorities responsibilities
- Evaluation of enforcement practice
- Risk based guidance for
 - Validation of monitoring plans
 - Inspection of emission reports / installations
 - Enforcement (surrender of allowances and sanctioning)
- Commitment to minimum and maximum (in-depth) procedures
- Best practice note for in-depth checks

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Workshop Session I - Workprogram Proposals for Compliance Forum

- Archive individual case examples & guidance to deal with
- Preparation training of inspectors
- Cooperative implementation of aviation rules from the beginning
- Contribution to foreseen development of the EU ETS and the linking with other schemes
- **Start with the implementation of aviation, the reaching of a common understanding about the role and responsibilities of competent authorities and an evaluation of Member States practises as a basis for detailed guidance and best practice notes**