



Guidance on inspections

Hubert Fallmann, Umweltbundesamt GmbH

Christian Heller, Umweltbundesamt GmbH

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Inspections – Background

- *EU ETS Directive:*
 - Art. 14(3): „Member States shall ensure that each operator [...] monitors and reports the emissions [...] in accordance with the [M&R Regulation]“
 - Flexible: no *explicit* requirement of inspections by CA
 - Inspections considered best practice (i.e. CA should not delegate responsibility for on-site visits solely to verifiers)
- *ECA report recommendation 4:*
 - The Member States should implement coherent, effective control frameworks for MRV activities including inspections
- *IED Directive (Art. 23):*
 - MS shall set up a system of environmental inspections of installations

Inspections - Literature

- *Recommendations by EP and Council (2001/331/EC):*
 - Minimum criteria for environmental inspections by Member States
- *IMPEL report 2013 on IED Inspections*
 - <http://www.impel.eu/tools/guidance-implementation-ied-planning-execution-inspections/>
 - Several earlier IMPEL reports ("Doing The Right Things", DTRT)
- → *Guidance on EU ETS inspections does not cover in detail "How to do inspections"*



GD 8 – Inspections (1)

- *Clarification of scope*
 - “Inspection” here means on-site visit of CA with the aim of ensuring compliance (can involve desk work)
- *Distinguishes between types of inspections:*
 - Purpose of approving (change of) MP
 - (Planned) routine inspection
 - Targeted inspections (e.g. based on AER/VR issues)
 - Determination of emissions (conservative estimation)



GD 8 – Inspections (2)

- *Strike the right balance: Inspections are best practice, but not mandatory*
- *CA is ultimately responsible for the correct implementation of the EU ETS*
 - Some compliance checks are also covered by verifiers
 - However, in order to reduce risk of non-compliance, additional checks (i.e. inspections) are sometimes justified depending on the circumstances



GD 8 – Inspections (3)

- *Planning of inspections: Risk-based approach; Reference to "Risk Profiling Tool" already provided for selecting AERs for checking*
- *Performing inspections:*
 - Preparation
 - Site visit
 - Follow-up (reporting, improvement/penalties)
- *Competence requirements*
- *Communication between various CAs*
- *Checklist example*



Development of GD 8

- *General outline discussed in TWG MRVA in March 2016 and in Webinar of 15 April 2016*
- *1st Draft distributed to TWG 20 Sep 2016*
- *Discussed in TWG Webinar on 14 Oct 2016*
- *Written comments by NL, UK, IE, NO, HR, DE, CZ (27 comments in total)*
- *2nd Draft distributed to the TWG on 7 November (comments invited by 28 November 2016)*

Changes in 2nd draft

- *Issues raised by third parties as trigger for inspections added*
- *Positive verification statement does not exclude inspections*
- *Clarified that non-routine inspections (e.g. irregularities in AER or signals by third parties) should take place as if the determined risk is very high*
- *Mentioned option that external experts can participate on operator's behalf*
- *Instead of sending inspection report to operators for comment, discussion in a closing meeting (incl. senior management) can be useful*
- *Deleted IED-based recommendation to publish inspection reports*

Comments not followed up

- *Overlap with verification should be less emphasised*
- *Verifier "only interested in numbers", while inspector looks at more technical issue of compliance*
- *Don't mention "unannounced inspections"*
- *Don't mention formal decrees as possible follow-up*
- *Don't mention verifiers can participate in inspections*
- *Need for a legal basis for right to access the installation (or at least a kind of license/warrant)*
- *Mention more about potential need for safety instructions (may be time consuming)*

Thank you for your attention

Contact DG CLIMA:

Robert.Gemmill@ec.europa.eu

Consultant contact:

Hubert.Fallmann@Umweltbundesamt.at

Christian.Heller@Umweltbundesamt.at