



The Role of Competent Authorities under the EU ETS and Work to be done by a Compliance Forum

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Role and Responsibilities of Competent Authorities

- Ensuring monitoring, reporting and surrendering allowances in accordance with the ETS Directive and the Monitoring Guidelines
- Ensuring implies administrative control activities and is more than trust in the implementation of good preparation (validation and accreditation)
- Stringent inspection, enforcement & sanction activities are needed to avoid
 - Emission reductions noted down on paper only but not reflecting reality
 - Increasing dangers of faultiness and manipulations
 - Unequal treatments

The weakest link defines the success of the EU ETS compliance chain!



Competences in Germany

- -Federal States (Länder): Permits, validation and approval of monitoring plans
- DEHSt: Control (inspection) of emissions reports, enforcement and sanctioning
- –In practice close cooperation has been implemented:
 - DEHSt-Länder-Task Force since 2004
 - Common templates for monitoring plans and electronic emission reports
 - Coordinated FAQ and other information for operators and verifiers



DEHSt's Inspection Practice

• First step: completeness and hint desktop check for all emission reports (100 %)

Noticed problems/error messages in the verification report or in the message from the Länder

Relevant problems detected by the automatic data checks of the IT system

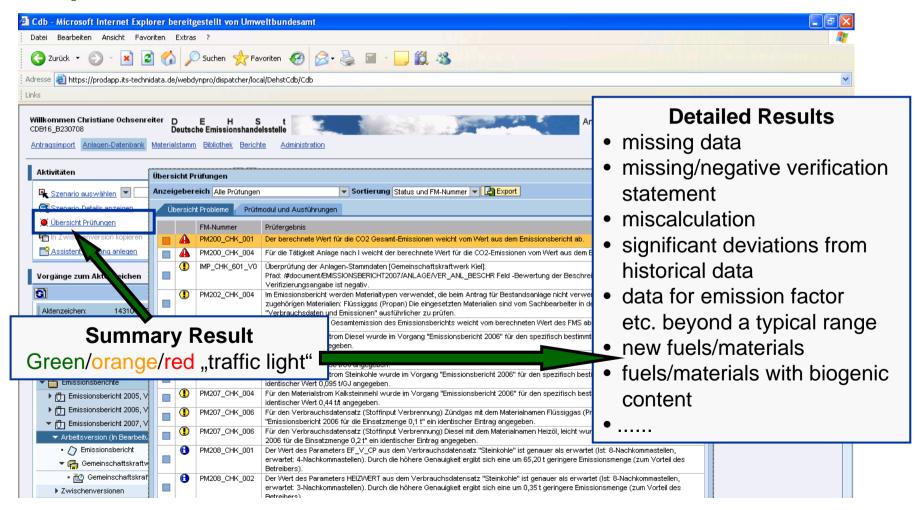
Second step: in-depth desktop checks (c. 25 % of all emission reports)

Every report with an error message and an additional random sample Different key aspects for in-depth inspections in 2005-2007 (e.g. consistency to grandfathering, completeness, quality of the monitoring plan)

 Comparison of reported emission amounts and surrendered allowances for all emission reports



Impression of the Automatic IT Data Check





DEHSt's Enforcement & Sanction Practice

- Typical misstatements/non-conformities
 - missing sources and material streams
 - inconsistent calculation methods comparing to grandfathering
 - insufficient uncertainty
 - calculation mistakes and typing errors
- Strict enforcement of the obligation to surrender a sufficient number of allowances
 - 2005: 174 installations / 2006: 28 installations / 2007: c. 20 installations
- Infringements strictly penalized except in cases of "force majeure" (e.g. approval not in accordance with the legal requirements)
 - 2005: 16 cases, c. 3 m€/ 2006: 12 cases, c. 2.75 m€
- ⇒ Learning process as consequence of the inspection, enforcement & and sanction practice



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- Comparable outcome only achievable with comparable control and enforcement practices in the EU
- Material differences in inspection procedures may lead to unjustified unequal treatments
- -Harmonization on a high level, otherwise climate won't be protected
- -Permanent cooperation between competent authorities is needed
- -The Compliance Forum should
 - reach a common understanding of our responsibilities as competent authorities
 - evaluate the Member States practices and start a permanent exchange of experiences
 - develop guidance for minimum procedures and best practices for in-depth checks
 - archive cases of significant misstatements incl. instructions how to deal with them

It's time to share the experiences and knowledge!



Thank you for your attention.

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