



# Setting the Scene: Phase 3 A&V Compliance to date

**Rob Gemmill, Edoardo Turano - DG CLIMA**

**2014 EU ETS Accreditation and Verification Forum,  
Brussels, 5th November 2014**

# Outline

- ***General overview (key web-links)***
- ***Feedback on Article 21 reported information (A&V)***
- ***High level observations from the Compliance Review project (A&V)***
- ***Discussion: Preliminary comments from the floor***

## General Overview (Key Web-links)

- *At the 2013 A&V Forum main concerns surrounded peer review of NABs and ability for timely accreditations of verifiers, in time for verification of 2013 emission reports*

<http://www.european-accreditation.org/information/national-accreditation-bodies-having-been-successfully-peer-evaluated-by-ea>

- *Compendium of Commission published guidance, templates, exemplars, tools and FAQ in support of the AVR and MRR*

























[http://ec.europa.eu/clima/policies/ets/monitoring/documentation\\_en.htm](http://ec.europa.eu/clima/policies/ets/monitoring/documentation_en.htm)

# Objectives of Commission Guidance



















*To make relevant guidance and tools available to assist common understanding, application and compliance concerning the EU ETS M&R and A&V Regulations*

*To promote aims regarding correct implementation and well-functioning of the ETS, including in connection with promoted consistency and cost-effectiveness*











# AVR Guidance (2012, 2013)

- 11/10/2012 - The Accreditation and Verification Regulation - [Explanatory Guidance Document No.1](#)  (1.4 Mb) 
  - [Quick guide on the role of the verifier and the CA](#)  (343 kB) 
  - [Quick guide on verification for operators and aircraft operators](#)  (712 kB) 
- 13/08/2012 - Guidance document - [Key guidance note II.1 on the scope of verification](#)  (304 kB) 
- 12/07/2012 - Guidance document - [Key guidance note II.2 on risk analysis](#)  (198 kB) 
  - [Risk analysis example No. 1](#)  (141 kB) 
  - [Risk analysis example No. 2](#)  (85 kB) 
- 29/10/2012 - Guidance document - [Key guidance note II.3 on process analysis](#)  (672 kB) 
- 22/11/2012 - Guidance document - [Key guidance note II.4 on sampling](#)  (913 kB) 
  - [Risk analysis with verification sampling plan example](#)  (126 kB) 
- 29/10/2012 - Guidance document - [Key guidance note II.5 on site visits concerning installations](#)  (442 kB) 
  - [Site visit waiver risk assessment exemplar](#)  (131 kB) 











# AVR Guidance (2012, 2013)

- 12/07/2012 - Guidance document - [Key guidance note II.6 on the verification report](#)  (198 kB) 
  - [Verification report template](#)  (296 kB) 
  - [Exemplar verification report for an installation](#)  (114 kB) 
  - [Exemplar verification report for an aircraft operator](#)  (121 kB) 
- 11/10/2012 - Guidance document - [Key guidance note II.7 on competence of verifiers](#)  (417 kB) 
- 11/10/2012 - Guidance document - [Key guidance note II.8 on the relation between EN ISO 14065 and AVR](#)  (480 kB) 
  - [Good practice on application of EN ISO 14065: Management system](#)  (565 kB) 
  - [Good practice on application of EN ISO 14065: Impartiality and independence](#)  (573 kB) 
- 11/10/2012 - Guidance document - [Key guidance note II.9 on the relation between EN ISO/IEC 17011 and AVR](#)  (481 kB) 

# AVR Guidance (2012)











- 11/10/2012 - Guidance document - [Key guidance note II.10 on information exchange](#)  (441 kB) 
  - Information exchange template No. 1 - [Notification template \(Article 76 AVR\) from the verifier to the National Accreditation Body/National Certification Authority \(by 15 November each year\)](#)  (152 kB) 
  - Information exchange template No. 2 - [Work programme \(Article 70\(1\) AVR\) from the National Accreditation Body/National Certification Authority to the Competent Authority \(by 31 December each year\)](#)  (235 kB) 
  - Information exchange template No. 3 - [Management report \(Article 70\(3\) AVR\) from the National Accreditation Body/National Certification Authority to the Competent Authority \(by 1 June each year\)](#)  (231 kB) 
  - Information exchange template No. 4 - [Information exchange \(Article 72 AVR\) from the Competent Authority to the National Accreditation Body/National Certification Authority \(recommended by 30 September each year\)](#)  (235 kB) 

# AVR Guidance (2012, 2013)

- 29/10/2012 - Guidance document - [Key guidance note II.11 on certification](#)   
(518 kB) 
- 28/10/2013 - Guidance document – [Key guidance note II.12 on time allocation in verification](#)   
(498 kB) 
  - [Man-day guidance tool for NABs/NCAs](#)   
(446 kB) 
- 22/11/2012 - [The Accreditation and Verification Regulation - Verification Guidance for EU ETS Aviation \(GD III\)](#)   
(1.6 Mb) 
  - Addendum: [Quick guide to verification of small emitters \(EU ETS Aviation\)](#)   
(363 kB) 



# Joint MRR and AVR Guidance (2013)

- 20/12/2013 - Guidance document No.7 – The Monitoring and Reporting Regulation and Accreditation and Verification Regulation – Continuous Emissions Monitoring Systems (CEMS)  (275 kB) 
- 20/12/2013 - Conservative estimate of emissions
  - Making conservative estimates for emissions in accordance with Article 70  (306 kB) 
  - ETS Compliance Forum Task Force Monitoring Working Paper on data gaps and non-conformities  (609 kB) 
- 20/12/2013 - Review of the annual emissions report and verification report
  - Combined M&R and A&V guidance on reviewing AER and VRs  (90 kB) 
  - Risk profiling tool for AER review  (4.21 Mb) 

# MRR and AVR FAQ (2013)

- 20/12/2013 - [FAQ Monitoring and Reporting](#)  (230 kB) 
- 20/12/2013 - [FAQ Accreditation and Verification](#)  (672 kB) 

[http://ec.europa.eu/clima/policies/ets/monitoring/documentati  
on\\_en.htm](http://ec.europa.eu/clima/policies/ets/monitoring/documentati<br/>on_en.htm)

## On-going Aim

*To take into account feedback from MS based on experience of using guidance*

*To update FAQs to publicise commonalities*

*As necessary, to update existing guidance and complement the existing suite with further documents, templates, exemplars and tools*

*Your views and recommendations are welcome*

# *ARTICLE 21*

# Article 21 Legal Basis

## *ETS Directive - Article 21*

- **Each year MS shall submit to the Commission a report on the application of the ETS Directive**
- **The report shall be drawn up on the basis of a questionnaire drafted by the Commission**
- **The Commission shall publish a report on the application of this Directive**

## *Commission Implementing Decision 2014/166/EU amending Decision 2005/381/EC*

- **Questionnaire for ETS phase III**
- **Deadline for reporting: 30 June each year**

*Country Article 21 reports available:*

<http://rod.eionet.europa.eu/obligations/556/deliveries>

# A&V Related Questions (Section 6)

- **Q 6.1: Numbers of accredited/certified verifiers (scope)**
- **Q 6.2: Application of information exchange requirements**

## *Specific to installations:*

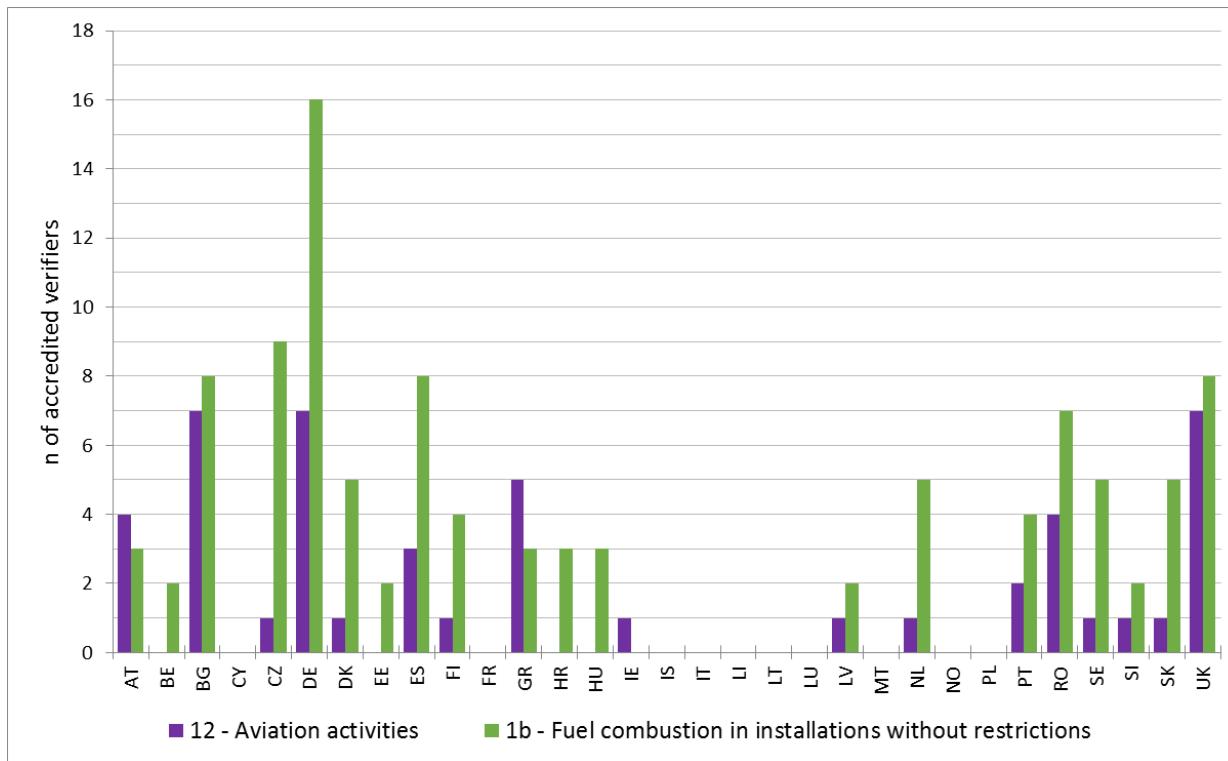
- **Q 6.3: CA conservative estimates**
- **Q 6.4: VRs reporting non-material misstatements, non-conformities, non-compliances (with the MRR), recommendations**
- **Q 6.5: CA Checks on AERs/VRs and Inspections**
- **Q 6.6 Waive of verifier site visits**

## *Specific to aircraft operators:*

- **Q 6.7 – Q 6.10: Equivalent to Q 6.3 – Q 6.6**

# Some initial facts / findings

*Accredited verifiers per MS (shown for combustion and aviation)*



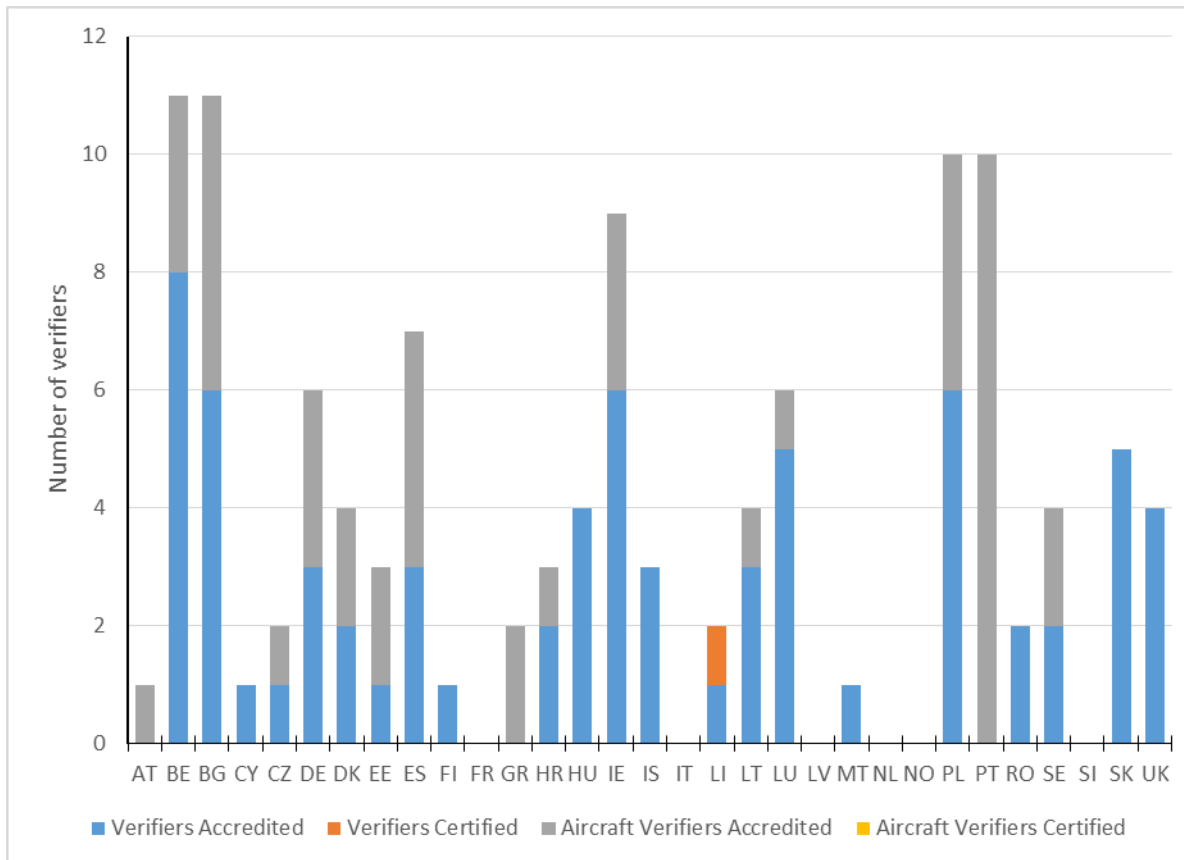
**In 6 States, a NAB has not applied for EA peer review**

**According to ETS CAs (AV TF, Compliance review project) enough verifier capacity was in place, so that verifier availability was not a bottleneck**

**In about half of the reporting States there are accredited verifiers for most of the scopes**

**In about half of the reporting States there are accredited verifiers only in some scopes**

## Accredited/Certified verifiers by a NAB in another country carrying out verification in country indicated



**In 26 States foreign verifiers are performing verification activities**

**Crucial role played by the EA and the peer evaluation of NABs**

**Only in 3 MS has a NAB been requested by a NAB in another country to carry out surveillance on its behalf as per Art. 49 AVR**



## Examples of other Article 21 A&V findings (provisional data)

- *2 MS reporting administrative measures (4)*
- *5 MS reporting complaints (33)*
- *8 MS reporting conservative estimates (37 installations)*
- *4 MS reporting rejection of verified AERs due to non-compliance with MRR (11)*
- *11 States reporting site inspections (412)*

# *MS COMPLIANCE REVIEW*

# Compliance Review Aims

*Evaluation of the implementation of the 2013/2014 EU ETS compliance cycle at MS level*

- **Evaluation of MS compliance: MRR and AVR**
- **Analysis of MS-specific provisions**

*Analysis of results highlighting*

- **Best practices**
- **Shortcomings and inconsistencies amongst MS**

*Identification of requirements that MS find difficult to implement*

*Development of recommendations for improvement*

# Approach

*Identification of key issues*

- **MRR and AVR basis**

*Questionnaire development*

*Data collection through interviews*

- **Calibration interview**
- **In-country or by phone**

*Aggregation and analysis*

*Reporting and sharing of outcomes*

- **Main report: Overall findings (topic specific, all MS)**
- **Country-specific fiches (findings and recommendations)**

## Overall Conclusions (unconfirmed)

*MRR and AVR has resulted in clear improvements*

- **Harmonisation, e.g. regarding accreditation, uncertainty assessments and unreasonable costs**
- **Significant changes affecting ca. 50% of States**

*Variation in implementing practises reduced, but not completely*

- **Resourcing issues**
- **Misinterpretation of requirements, e.g. in the VR**

*General feedback that the MRVA system is working well, but non-compliances still being observed*

*Majority of States in favour of centralised support*

*Improvement Reports seen as a valuable addition to the Compliance Cycle (achieving further improvements)*

## A&V Conclusions (unconfirmed)

*Changes due to the AVR markedly affected ca. 50% MS*

*Verification benefited by more formalised process*

*Sufficient NAB capacity and accredited verifiers (in time)*

*Cross-border accreditation important to a number of States*

*One MS NCA (with one 'certified' natural person verifier)*

*Information exchange working well but room for improvement re cross-border exchanges and timeliness*

- **NAB/NCA Work Programmes and Management Plans are not just required to go to the home CA**

*Support for verifier notification updates (improved data)*

*Support for good practice guidance re CA communications to NABs*

# Thank you for your attention

## *DISCUSSION!*

*Your preliminary thoughts and comments*

*What are your headline A&V concerns?*

Further Contact:

[Robert.Gemmill@ec.europa.eu](mailto:Robert.Gemmill@ec.europa.eu)

[Edoardo.Turano@ec.europa.eu](mailto:Edoardo.Turano@ec.europa.eu)

[http://ec.europa.eu/clima/policies/ets/monitoring/documentation\\_en.htm](http://ec.europa.eu/clima/policies/ets/monitoring/documentation_en.htm)