

DECISION

Date 16 January 2012
Ind.No. TRAFI/1934/05.00.25/2011
Ref Your application, 10 January 2012

VerifAvia (UK) Ltd

Julien Dufour
Suite 13399, 2nd Floor, 145-147 St John Street
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United Kingdom

Approval of aviation verifier in accordance with section 12 of the Act on Aviation Emissions Trading

Applicant

VERIFAVIA (UK) LTD
Suite 13399, 2nd Floor, 145-147 St John Street
London EC1V 4PY
United Kingdom

Decision

The Finnish Transport Safety Agency hereby approves VerifAvia (hereinafter called the Verifier) to act as an aviation verifier for the European Union Emissions Trading Scheme (hereinafter called the ETS) in Finland. VerifAvia is eligible to verify only small emitters' (operators with total annual emissions lower than 10 000 tonnes/year) year emissions and tonne kilometre data in Finland.

The Verifier shall act in accordance with relevant and currently valid legislation and standards as well as the *European Commission Compliance Forum's Verification Guidance for EU ETS Aviation*.

Each calendar year before the verification activities begin, the Verifier shall submit to the Transport Safety Agency a valid accreditation certificate for aviation ETS issued by the accreditation body having accredited the Verifier.

The Verifier shall ensure that the persons appointed to the verification team establish, document, implement and maintain sufficient technical competence for verification activities, and that they have sufficient knowledge of aviation ETS legislation and standards as well as ETS guidance documents adopted by the European Commission in accordance with the Emissions Trading Directive.

Lead Auditors

Julien Dufour
Stefan Trepke
Tobias Konik
Nicolas Duchêne
Gary Cleven

Auditors

Julien Dufour
Stefan Trepke
Tobias Konik
Nicolas Duchêne
Gary Cleven

Reviewers

Julien Dufour
Stefan Trepke
Tobias Konik
Nicolas Duchêne
Gary Cleven

The Verifier shall notify the Transport Safety Agency of any changes in personnel as regards Lead Auditors, Auditors or Reviewers.

Validity

This decision is valid until 31 December 2012.

JUSTIFICATIONS**Approval of the verifier**

In accordance with section 12 of the Act on Aviation Emissions Trading (34/2010), the aircraft operator shall use a verifier with knowledge of the aviation sector for the verification of tonne-kilometre data provided in the application referred to in sections 7

(1) and 9 (3), and for the verification of the report required in section 11 (2). The Transport Safety Agency approves the verifier in compliance with the provisions in the Act on Emissions Trading (683/2004), sections 55 and 55a. As regards the verifier's obligation to notify any changes in its activities, withdrawal of a verifier's approval and the performance of the verification duties, the provisions in section 56–58 of the Act on Emissions Trading shall apply.

Further provisions on the verifier approval procedure, assessment of eligibility for the approval and performance of the verification duties will be given by a decree of the Ministry of Transport and Communications.

In accordance with section 12 of the Decree of the Ministry of Transport and Communications (63/2010), the Transport Safety Agency shall approve the verifier application if the applicant meets the requirements for an aviation verifier and the application has been made in accordance with section 11 of the Decree.

In accordance with section 55 of the Act on Emissions Trading, the Transport Safety Agency shall approve the verifiers falling under the scope of EU ETS if they meet the following requirements:

- 1) the verifier shall be financially and operationally independent of the aircraft operator;
- 2) the verifier shall have a sufficient number of skilled and unbiased personnel;
- 3) the verifier shall have a sufficient knowledge of aviation ETS legislation and standards, as well as ETS guidance documents adopted by the European Commission in accordance with the Emissions Trading Directive;
- 4) the verifier shall have a sufficient understanding of emission sources;
- 5) the verifier shall have a particular understanding of all information related to each source of emissions of the aircraft operator, as regards especially the collection, measurement, calculation and reporting of data;
- 6) the verifier shall have sufficient financial resources and insurance cover; and
- 7) the verifier shall be registered as a valid legal entity in Finland or shall be part of such an entity.

The Transport Safety Agency may, in its decision on the approval of the verifier, specify additional conditions in order to ensure that the verifier complies with the provisions relating to aviation ETS verification.

In accordance with section 55a of the Act on Emissions Trading, the Competent Authority shall approve a verifier which has been accredited as an aviation ETS verifier in any EEA state, provided that the verifier is a legal entity.

Responsibilities of the Verifier

In order to ensure the competence of the Verifier based on section 12 of the Act on Aviation Emissions Trading, the Transport Safety Agency requires that the Verifier submits to the Agency, each calendar year before the verification activities begin, a valid accreditation certificate for aviation ETS issued by the accreditation body having accredited the Verifier.

In accordance with section 56 of the Act on Emissions Trading, the Verifier shall notify the Transport Safety Agency of any changes in its activities which may influence the preconditions of the Verifier's approval to act as an aviation ETS verifier.

In accordance with section 58 of the Act on Emissions Trading, the Verifier shall perform its duties professionally by using the best practices and by taking into account all relevant legislation and guidance documents. The Verifier may use third parties as assistants in the verification activities. The Verifier shall be fully liable and responsible for the activities of such third parties.

Since the aviation ETS is a rapidly developing scheme in Europe, the Verifier shall constantly follow any amendments to and development of the legislation and standards concerning the EU ETS. The Verifier shall act in co-operation with other verifiers in order to harmonize the best practices used by verifiers.

The verifier shall ensure that the personnel appointed to the verification team establishes, documents, implements and maintains sufficient technical competence for verification activities, and that they have a sufficient knowledge of aviation ETS legislation and standards as well as ETS guidance documents adopted by the European Commission in accordance with the Emissions Trading Directive.

The activities performed by the Verifier shall be considered as public administrative tasks regulated by the Constitution of Finland. For this reason, the Verifier shall be especially obliged to comply with the provisions of the Act on the Openness of Government Activities (621/1999), the Act on Electronic Services and Communication in the Public Sector (13/2003), the Administrative Procedure Act (434/2003) and the Language Act (423/2003).

Referring to the justifications above, the Transport Safety Agency deems that the Verifier meets the requirements for approval as an aviation verifier as provided in section 12 of the Act on Aviation Emissions Trading (34/2010) and section 12 of the Decree of the Ministry of Transport and Communications (63/2010).

Based on this decision, the Verifier shall be charged an annual fee. The current Decree of the Ministry of Transport and Communications on fees charged for services provided by the Finnish Transport Safety Agency (1185/2010) shall apply to this decision. According to the Decree, the charge for year 2012 for verifier verifying small emitters is two hundred (200) euro.

Applicable provisions

Act on Aviation Emissions Trading (34/2010), sections 12 and 13.

Act on Emissions Trading (637/2004) sections 55, 55a, 56 and 58.

Decree of the Ministry of Transport and Communications on the Monitoring, Reporting and Verification of Aviation Emissions and Tonne Kilometres (63/2010), section 11 and 12.

Decree of the Ministry of Transport and Communications on fees charged for services provided by the Finnish Transport Safety Agency (1265/2011), Appendix 1, paragraph 9.2.2.

Appeal

The Instructions for Appeal are attached to this decision.

Head of unit



Kirsi Lähteenmäki-Riistama

Inspector



Vilhelmiina Gröndahl

ANNUAL FEE 2012

200 €

APPENDICES

Instructions for Appeal (Appendix 1)
European Commission Compliance Forum's Verification Guidance
for EU ETS Aviation (Appendix 2)

DISTRIBUTION

VerifAvia (UK) Ltd

FOR INFORMATION

FINAS