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1. Objective

The Portuguese Environment Agency (APA), pursuant to Decreto-Lei No. 233/2004 of December 14, as amended by Decree-Law No. 243-A/2004 of December 31, Decreto-Lei No. 230/2005 of 29 December and Portaria 74/2006 of 18 January, is the entity responsible for overseeing the qualification of verifiers EU ETS.

Any ETS verifier who wishes to operate in Portugal must obtain recognition of their accreditation, and be subject to evaluation of its performance by the APA, through the monitoring of their actions, verification and compliance of the requirements of this procedure.

Regarding to the aviation sector and in line with the approach previously set for the ETS verification to be performed in 2011, which states that for:

- For national verifiers, the procedure to be adopted is still under preparation, but is going to include a training programme with evaluation;
- For foreigner's verifiers, this document states the verification process to be applied.

2. Reference Documents

Portaria No. 74/2006, of January 18, establishes the requirements and conditions for conducting the activities of verification of operators under the scope of European trade in emission permits.

According to the paragraph a) of paragraph 2 of Article 7 of the Portaria 74/2008, the evaluation of the performance of the EU ETS verifier, is done by a monitoring programme conducted by APA, which includes supervision audits in person/site and / or documentary, depending on the size, the relevance of the operator, in terms the CO2 emissions and background history of the EU ETS verifier.

3. Recognition of accreditation

For verification purposes EU ETS during the year 2011, Portugal recognizes the accreditation, established in accordance with the procedures of the European Co-operation for Accreditation (EA), from the following institutions

- ACCREDIA
- BAS - Executive Agency "Bulgarian Accreditation Service"
- BELAC
- BMWFJ - Bundesministerium für Wirtschaft Familie und Jugend
- CAI - Czech Accreditation Institute
- COFRAC - Comité Français d'Accréditation
- CYS-CYSAB - Cyprus Organization for the Promotion of Quality
- DAkKS – Deutsche Akkreditierungsstelle GmbH
- DANAK - Danish Accreditation
- EAK - Estonian Accreditation Centre
- ENAC - Entidad Nacional de Acreditación
- ESYD - Hellenic Accreditation System
- FINAS - Finnish Accreditation Service
- INAB - National Accreditation Board
- LA - Lithuanian National Accreditation Bureau
- LATAK - Latvian National Accreditation Bureau
- National Accreditation Board - Malta (NABMalta)
- NAT - Hungarian Accreditation Board
- OLAS – Office Luxembourgeois d'Accréditation et de Surveillance
- PCA – POLSKIE CENTRUM AKREDYTACJI

- RENAR - Romanian Association for Accreditation
- RvA - Raad voor Accreditatie
- Slovenian Accreditation (SA)
- SNAS - Slovak National Accreditation Service
- SWEDAC - Swedish Board for Accreditation and Conformity Assessment
- UKAS - United Kingdom Accreditation Service

The verifier holding an accreditation issued by an institution referred above, must send to APA, via mail (joao.bolina @ambiente.pt / natalia.santos@ ambiente.pt) or fax (00351214721432), with a minimum of 15 working days before carrying out any verification, the following documentation:

- Documents attesting its accreditation;
- Identification of audit team with presentation of their CV.
- Contact element and responsible for the audit.

Upon receipt this information, APA will inform, within 5 working days, if the accreditation has been rejected.

4. Evaluation of the performance of the verifier EU ETS by supervision of APA

For the evaluation of the ETS verifiers, APA, based on information provided, will prepare a working plan for the assessment of the verifier. The verifier, as soon as possible, should inform APA of any verification that will be done in Portugal, according with the time frame specified in paragraph 3 (15 working days minimum).

Based on this information, APA will decide, within 5 working days from the date of receipt of this information, if a supervision audit will take place.

If the APA decides to witness the verification, the verifier has 3 working days, after receipt of information from the APA, to send:

- the verification plan,
- strategic and risk analysis
- other items which the verifier considers relevant.

In the case of a witness verification, the supervision team will incorporate elements indicated by the APA. In this situation, the EU ETS verifier:

- Must inform their clients of the scrutiny and its scope;
- Could, in certain situations (and fully justified) object to the appointing of a member of the supervision team, if he considers that the actions of this member could undermine the independence, impartiality or confidentiality of the verification supervision team.

Any requests for amending the constitution of the supervision team will be reviewed by the APA, that if the request is accepted, APA will initiate the necessary procedures for setting up a new supervision team.

For the purposes of witness verification to the EU ETS verifier, APA supervision team will:

- a) analysis all the documentation received and applied to the CELE verification;
- b) considers the development of any specific questionnaires to be fulfilled by the verifier EU ETS;
- c) assess the adequacy of risk and strategic analysis, prepared by the verifier EU ETS, as well as how he has created of the necessary conditions for the exercise of its business;

d) assess, if the verifier analyses, with the accuracy required, the following requirements:

- Compliance with the monitoring plan;
- Monitoring plan of the annual emissions and data monitoring ton-km Plan;
- Correction for the data collection and processing done by the operator;
- Existence of an operational data management system as required in the EU ETS scheme;
- Compliance with applicable EU ETS laws;
- Compliance with the operator emission report and proper accounting of CO₂ emissions;
- Evidence of improved monitoring methodology.

e) evaluates the contents of the verification report;

f) analysis of other aspects that may influence the assessment of the verifier's performance, namely how to conduct the verification, and the need of experts, if necessary;

g) assess the suitability of the duration of the verification;

h) do the final report of witness supervision.

5. Internal verification report of the EU ETS verifier

The verifier has 30 days, after the end of the verification of the operator, to send to APA, (by mail (joao.bolina@apambiente.pt /c natalia.santos@apambiente.pt) or fax (00351214721432), a copy of its internal report.

As a minimum the verification report shall at least include the following elements:

- Name and address of an installation or aircraft operator;
- Scope of verification including a reference to the EU ETS permit, where applicable, and approved monitoring plan;
- Whether the verification included a site visit or not and if not, a justification for waiving such a site visit;
- Confirmation of the competent authority's approval or, if national regulations provide for it, compliance with criteria in the case of where a site visit is waived;
- Respective roles and responsibilities of the installation or aircraft operator, the verifier and the competent authority;
- Reference to the exact version of the emissions report or tonne-kilometre report that has been verified;
- Basis of the verification opinion (verification procedures followed and the EU ETS permit, where applicable, its monitoring plan and other relevant requirements);
- Confirmation of effective implementation of approved monitoring plan;
- GHG emissions per activity verified;
- Total GHG emissions or tonne-kilometre data per installation or aircraft operator;
- Verification opinion to a reasonable level of assurance, with regard to data quality, completeness and materiality threshold;
- Non-conformities and misstatements as laid down in section;
- Applicable year;
- Address and accreditation/ permit reference for verifier;
- Date and sign on behalf of the verifier by authorized signature;
- Name of EU ETS Lead Verifier;
- Name of the reviewer;
- Annex I of the EU ETS Directive activity no.(s) for the installation or aircraft operator;
- List of fuels, process materials used at the installation or aircraft operator;

- Confirmation that principles of compliance have been met (completeness, consistency, transparency, trueness, faithfulness, improvement of performance);
- List recommendations for improvement, if any, unless differently regulated in national law.

6. Verifier obligations

Non-compliance with all the requirements set out in paragraphs 3, 4 and 5 by the verifier, including time limits, shall mean that the verification is considered as non valid.

7. Omissions

Any omission or situation not covered in this document should be reported and / or analyzed case by case by APA.