

Experience with accreditation and verification in Germany

Dr. Arthur Pelchen

Joint working group of verifiers of the bvek and VNU

Agenda

- Brief introduction to German system
- Experience with accreditation
- Problems with accreditation
- Problems with verification
- Role of competent authority
- Summary and recommendations

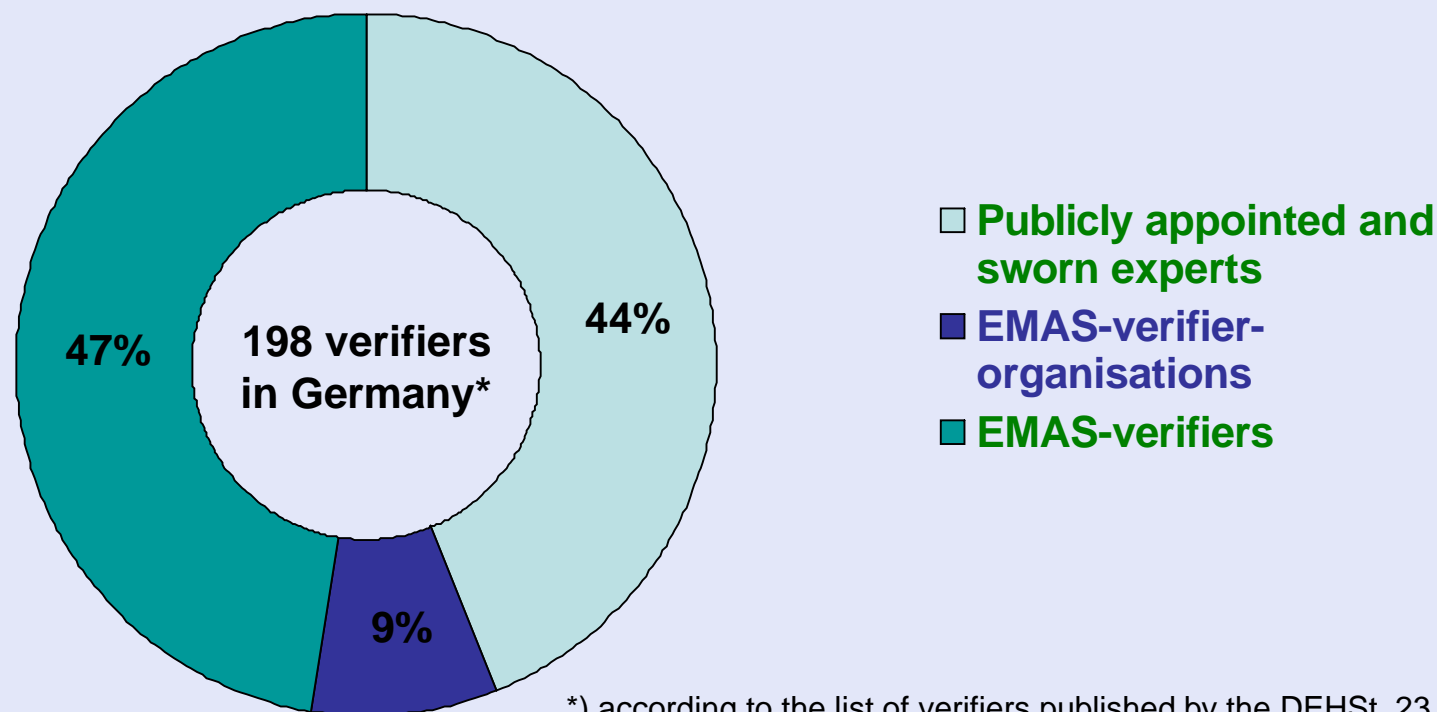
Brief introduction to German system – Ways of accreditations (I)

- The German implementation (TEHG) of the EU ETS Directive (2003/87/EC) stipulates two ways for accreditation:
 - Publicly appointed and sworn experts for verification accredited by the chambers of industry and commerce (§ 36 GewO).
 - EMAS-Verifiers accredited by the DAU GmbH (EMAS-Regulation, 2001/761/EC).
- Both ways not directly linked to ISO 14065 or EA 6/03.

Brief introduction to German system – Ways of accreditations (II)

- Both ways are based on personal qualifications of the verifier. (Although there are EMAS-Verifier-Organisations, which are in turn based on the qualification of their individual verifiers.)
- German laws do not allow a “Sworn experts organisation”.
- Both ways restrict the accreditation to industries/scopes, where the verifier has a proven track record of experience and his expertise was successfully examined by the accreditation bodies.
- Both ways do not allow the delegation of verification work and the verifier is liable for the results of his verification work personally.
- Both ways have proven mechanism to withdraw the accreditation.
- Both ways have a history in Germany dating back in pre-EU-ETS-times.
- In 2004 these two ways represented the only chance to accredit enough verifiers to deal with the 1.800 German installations.

Brief introduction to German system – Verifiers according to accreditation



≡ Slightly biased because some individual verifiers are part of organisations!
Others have both accreditations!

Brief introduction to German system – Federal structure of the system

- The role of the competent authority is divided between national and federal authorities:
 - Granting of greenhouse gas emissions permits, approval of monitoring concepts and the (initial) check of the verified emission reports are performed by the federal immission control authorities.
 - Preparation of NAP, allocation of allowances, operation of the registries and sanctions are performed by the national authority (German Emissions Trading Authority, DEHSt).
- Some federal states did not accept this division of tasks due to reasons under German constitutional laws leaving a gap in the implementation of the system.

Experience/problems with accreditation

- No general problems.
- In 2004 during a very short time examination and accreditation of a great number of verifiers.
- German TEHG requires announcement of verifiers by competent authorities.
- Minor irritations because of divided responsibilities especially in the verification process of emission reports, since some of the federal authorities did not announce any verifiers at all, others delegated this to the national competent authority (DEHSt).

Problems with verification

Verification in the allocation process:

- During the verification of applications for allocation of allowances in 2004 problems with the (not very well structured) software (RISA-GEN) used by the DEHSt for this purpose.
- Feedback from the DEHSt concerning the work of the verifiers came too late (February 2006) to trigger any changes for the verification of the first emission reports.

Verification of emission reports:

- Mainly problems in those federal states, that did not approve the monitoring concept for the installations shifting some of the risks (and the work) towards the verifier.
- In the other federal states some monitoring concepts were approved although they were not in line with the EU-Monitoring Guidelines (C(2004) 130 final).

Role of competent authorities

- Mainly problems due to unclear and therefore much debated and interpreted division of responsibilities between the
 - verifiers,
 - the national competent authority (DEHSt) and
 - the federal competent authorities (for immission control).
- Problems were in most cases solved pragmatically.
- Some decisions have by now been taken by high courts in Germany, that clarify (parts of) the issues.
- In the ongoing parliamentary debate on the revision of the TEHG some of the problems will possibly be resolved for the second compliance period.

Summary and recommendations

- In general the system works properly in Germany.
- No indication that there is a difference in the quality of verification work between individual and organisational verifiers.
- Obligation for personal execution of verification work reduces the need for organisational structures and checks.
- Individual verifiers are well capable to deliver proper verification work due to their extensive know-how and experience of the subject matter and the installations.
- The higher number of verifiers guarantees a reliable quality and fair priced verification work both to operators and authorities.
- No need for a more organisationally based structure.
- Requirement of internal reviews (4-eyes-principle) would force the majority of German verifiers out of business.
- “Black sheep” amongst the verifiers need to be warned and - if necessary - excluded with the mechanism that are well established at the two verification bodies.

Thank you for your attention!

Dr. Arthur Pelchen

+49 30 34 50 08 86
pelchen@bvek.de
www.bvek.de