

Commission Implementing Regulation (EU) 2018/2067 of
19 December 2018 on the verification of data and on the accreditation
of verifiers pursuant to Directive 2003/87/EC of the European
Parliament and of the Council (Text with EEA relevance)

CHAPTER V

**REQUIREMENTS CONCERNING ACCREDITATION
BODIES FOR THE ACCREDITATION OF ETS VERIFIERS**

Article 55

National accreditation body

1 The tasks related to accreditation pursuant to this Regulation shall be carried out by the national accreditation bodies appointed pursuant to Article 4(1) of Regulation (EC) No 765/2008.

2 Where a Member State decides to allow the certification of verifiers that are natural persons, under this Regulation the tasks related to the certification of those verifiers shall be entrusted to a national authority other than the national accreditation body appointed pursuant to Article 4(1) of Regulation (EC) No 765/2008.

3 Where a Member State decides to use the option laid down in paragraph 2, it shall ensure that the national authority concerned meets the requirements of this Regulation, including those laid down in Article 71 of this Regulation, and provide the required documentary evidence in accordance with Article 5(2) of Regulation (EC) No 765/2008.

4 A national accreditation body shall be a member of the body recognised under Article 14 of that Regulation (EC) No 765/2008.

5 A national accreditation body shall be entrusted with the operation of accreditation as a public authority activity and be granted formal recognition by the Member State, if accreditation is not operated directly by public authorities.

6 For the purposes of this Regulation, the national accreditation body shall carry out its functions in accordance with the requirements set out in the harmonised standard referred to in Annex III.

Article 56

Cross-border accreditation

Where a Member State considers that it is economically not meaningful or sustainable to appoint a national accreditation body or to provide accreditation services within the meaning of Article 15 of Directive 2003/87/EC, that Member State shall have recourse to a national accreditation body of another Member State.

The Member State concerned shall inform the Commission and the other Member States.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/2067. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 57

Independence and impartiality

1 The national accreditation body shall be organised in a manner that guarantees its full independence from verifiers it assesses and its impartiality in carrying out its accreditation activities.

2 For that purpose, the national accreditation body shall not offer or provide any activities or services provided by a verifier, nor shall it provide consultancy services, own shares in or otherwise have a financial or managerial interest in a verifier.

3 Without prejudice to Article 55(2), the structure, responsibilities and tasks of the national accreditation body shall be clearly distinguished from those of the competent authority and those of other national authorities.

4 The national accreditation body shall take all final decisions pertaining to the accreditation of verifiers.

However, the national accreditation body may sub-contract certain activities, subject to the requirements set out in the harmonised standard referred to in Annex III.

Article 58

Assessment team

1 The national accreditation body shall appoint an assessment team for each particular assessment.

2 An assessment team shall consist of a lead assessor and, where necessary, a suitable number of assessors or technical experts for a specific scope of accreditation.

The assessment team shall include at least one person with the knowledge of the monitoring and reporting of greenhouse gas emissions pursuant to Implementing Regulation (EU) 2018/2066 that are relevant for the scope of accreditation and the competence and understanding required to assess the verification activities within the installation or aircraft operator for that scope, and at least one person with the knowledge of relevant national legislation and guidance.

Where the national accreditation body assesses the verifier's competence and performance for scope no 98 referred to in Annex I of this Regulation, the assessment team shall include in addition at least one person with the knowledge of collecting, monitoring and reporting data relevant for free allocation pursuant to Delegated Regulation (EU) .../... as well as the competence and understanding required to assess the verification activities for that scope.

Article 59

Competence requirements for assessors

1 An assessor shall have the competence to carry out the activities required under Chapter IV when assessing the verifier. To that end, the assessor shall:

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- a meet the requirements laid down in the harmonised standard pursuant to Regulation (EC) No 765/2008 referred to in Annex III;
- b have knowledge of Directive 2003/87/EC, Implementing Regulation (EU) 2018/2066, Delegated Regulation (EU) .../... where the assessors assesses the verifier's competence and performance for scope no 98 referred to in Annex I of this Regulation, this Regulation, relevant standards and other relevant legislation as well as applicable guidelines;
- c have knowledge of data and information auditing referred to in Article 38(1)(b) of this Regulation obtained through training or access to a person that has knowledge and experience of such data and information.

2 A lead assessor shall meet the competence requirements referred to in paragraph 1, have demonstrated competence to lead an assessment team and be responsible for carrying out an assessment in accordance with this Regulation.

3 Internal reviewers and persons taking the decisions on the granting, extending or renewing of an accreditation shall, in addition to the competence requirements referred to in paragraph 1, have sufficient knowledge and experience to evaluate the accreditation.

Article 60

Technical experts

1 The national accreditation body may include technical experts in the assessment team to provide detailed knowledge and expertise on a specific subject matter needed to support the lead assessor or assessor in carrying out assessment activities.

2 A technical expert shall have the competence required to support the lead assessor and assessor effectively on the subject matter for which knowledge and expertise of such expert is requested. In addition, the technical expert shall:

- a have knowledge of Directive 2003/87/EC, Implementing Regulation (EU) 2018/2066, Delegated Regulation (EU) .../... where the technical expert assesses the verifier's competence and performance for scope no 98 referred to in Annex I of this Regulation, this Regulation, relevant standards, and other relevant legislation as well as applicable guidelines;
- b have a sufficient understanding of verification activities.

3 A technical expert shall undertake specified tasks under the direction and full responsibility of the lead assessor of the assessment team concerned.

Article 61

Procedures

The national accreditation body shall comply with the requirements established pursuant to Article 8 of Regulation (EC) No 765/2008.

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Article 62

Complaints

Where the national accreditation body has received a complaint concerning the verifier from the competent authority, the operator or aircraft operator, or other interested parties, the national accreditation body shall, within a reasonable time but no later than three months from the date of its receipt:

- (a) decide on the validity of the complaint;
- (b) ensure that the verifier concerned is given the opportunity to submit its observations;
- (c) take appropriate actions to address the complaint;
- (d) record the complaint and action taken; and
- (e) respond to the complainant.

Article 63

Records and documentation

1 The national accreditation body shall keep records on each person involved in the accreditation process. Those records shall include records related to relevant qualifications, training, experience, impartiality and competence necessary to demonstrate compliance with this Regulation.

2 The national accreditation body shall keep records of the verifier in line with the harmonised standard pursuant to Regulation (EC) No 765/2008 referred to in Annex III.

Article 64

Access to information and confidentiality

1 The national accreditation body shall, on a regular basis, make publicly available and update information about the national accreditation body and its accreditation activities.

2 The national accreditation body shall make, in accordance with point 4 of Article 8 of Regulation (EC) No 765/2008, adequate arrangements to safeguard, as appropriate, the confidentiality of information obtained.

Article 65

Peer evaluation

1 National accreditation bodies shall subject themselves to a regular peer evaluation.

The peer evaluation shall be organised by the body recognised under Article 14 of Regulation (EC) No 765/2008.

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2 The body recognised under Article 14 of Regulation (EC) No 765/2008 shall implement appropriate peer evaluation criteria and an effective and independent peer evaluation process in order to assess whether:

- a the national accreditation body that is subject to the peer evaluation has carried out the accreditation activities in accordance with Chapter IV;
- b the national accreditation body that is subject to the peer evaluation has met the requirements laid down in this Chapter.

The criteria shall include competence requirements for peer evaluators and peer evaluation teams that are specific to the system for greenhouse gas emission allowances trading established by Directive 2003/87/EC.

3 The body recognised under Article 14 of Regulation (EC) No 765/2008 shall publish and communicate the outcome of the peer evaluation of a national accreditation body to the Commission, the national authorities responsible for the national accreditation bodies in the Member States, and the competent authority of Member States or the focal point referred to in Article 70(2).

4 Without prejudice to paragraph 1, where a national accreditation body has successfully undergone a peer evaluation organised by the body recognised under Article 14 of Regulation (EC) No 765/2008 prior to the entry into force of this Regulation, the national accreditation body shall be exempted from undergoing a new peer evaluation following the entry into force of this Regulation if it can demonstrate conformity with this Regulation.

To that end, the national accreditation body concerned shall submit a request and the necessary documentation to the body recognised under Article 14 of Regulation (EC) No 765/2008.

The body recognised under Article 14 of Regulation (EC) No 765/2008 shall decide whether the conditions for granting an exemption have been met.

The exemption shall apply for a period not exceeding three years from the date of notification of the decision to the national accreditation body.

5 The national authority entrusted, pursuant to Article 55(2), with the tasks related to the certification of verifiers that are natural persons, pursuant to this Regulation shall meet a level of credibility equivalent to national accreditation bodies that have successfully undergone peer evaluation.

To that end, the Member State concerned shall, immediately following its decisions authorising the national authority to perform certification, provide the Commission and the other Member States with all relevant documentary evidence. No national authority shall certify verifiers for the purposes of this Regulation before the Member State concerned provides that documentary evidence.

The Member State concerned shall periodically review the functioning of the national authority to ensure that it continues to meet the aforementioned level of credibility and shall inform the Commission thereof.

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Article 66

Corrective action

1 Member States shall monitor their national accreditation bodies at regular intervals in order to ensure that they fulfil the requirements of this Regulation on a continuing basis, taking into account the results of the peer evaluation carried out in accordance with Article 65.

2 Where a national accreditation body does not meet the requirements or fails to fulfil its obligations as laid down in this Regulation, the Member State concerned shall take appropriate corrective action or ensure that such corrective action is taken, and shall inform the Commission thereof.

Article 67

Mutual recognition of verifiers

1 Member States shall recognise the equivalence of the services delivered by those national accreditation bodies that have successfully undergone a peer evaluation. Member States shall accept the accreditation certificates of verifiers accredited by those national accreditation bodies and respect the right of the verifiers to carry out verification for their scope of accreditation.

2 Where a national accreditation body has not undergone the complete peer evaluation process, Member States shall accept the accreditation certificates of verifiers accredited by that national accreditation body provided the body recognised under Article 14 of Regulation (EC) No 765/2008 has started a peer evaluation for that national accreditation body and it has not identified any non-compliance of the national accreditation body with this Regulation.

3 Where the certification of verifiers is carried out by a national authority referred to in Article 55(2), Member States shall accept the certificate issued by such authority and respect the right of certified verifiers to carry out verification for their scope of certification.

Article 68

Monitoring of services delivered

Where a Member State has established, in the course of an inspection carried out in accordance with Article 31(4) of Directive 2006/123/EC, that a verifier is not complying with this Regulation, the competent authority or national accreditation body of that Member State shall inform the national accreditation body that has accredited the verifier.

The national accreditation body that has accredited the verifier shall consider the communication of that information as a complaint within the meaning of Article 62 and shall take appropriate action and respond to the competent authority or the national accreditation body in accordance with the second subparagraph of Article 73(2).

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Article 69

Electronic data exchange and use of automated systems

1 Member States may require verifiers to use electronic templates or specific file formats for verification reports in accordance with Article 74(1) of Implementing Regulation (EU) 2018/2066 or in accordance with Article 13 of Delegated Regulation (EU) .../....

2 Standardised electronic templates or file format specifications may be made available for further types of communication between the operator, aircraft operator, verifier, competent authority and national accreditation body in accordance with Article 74(2) of Implementing Regulation (EU) 2018/2066.

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