
STATUTORY INSTRUMENTS

2022 No. 1173

The Greenhouse Gas Emissions Trading
Scheme (Amendment) (No. 2) Order 2022

PART 2

Greenhouse Gas Emissions Trading Scheme Order 2020 amended

Schedule 5 amended (modifications to Verification Regulation 2018)

14.—(1) Schedule 5 is amended as follows.

Paragraph 4 amended (Article 3)

(2) In paragraph 4—

- (a) in sub-paragraph (b)(ii) in the substituted text for “EN ISO 14065:2013” substitute “the standard referred to in Annex 2”;
- (b) in sub-paragraph (c) before paragraph (i) insert—
“*(ai) “or another legal entity” were omitted;*”.

Paragraph 5 amended (Article 4)

(3) In paragraph 5(a) in the substituted text for “EN ISO 14065:2013” substitute “the standard referred to in Annex 2”.

Paragraph 24 amended (Articles 34a and 34b)

(4) In paragraph 24—

- (a) in the inserted Article 34a—
 - (i) in the heading after “Virtual site visits” insert “by verifiers of installations”;
 - (ii) in the first subparagraph omit “or aircraft operator” each time it occurs;
 - (iii) in the second subparagraph omit “or the aircraft operator”;
 - (iv) in the third subparagraph omit “or aircraft operator”;
- (b) after the inserted Article 34a insert—

“Article 34b

Virtual site visits by verifiers of aircraft operators

1. For the purpose of verifying the report of an aircraft operator (other than a small emitter referred to in Article 55(1) of Implementing Regulation (EU) 2018/2066), the verifier may, with the agreement of the aircraft operator and subject to the approval of the regulator in accordance with paragraph 4, carry out a virtual site visit instead of carrying out a physical site visit in accordance with Article 21(1).

2. Before any virtual site visit, the verifier must undertake a risk analysis that includes considering measures to reduce the verification risk to an acceptable level to obtain reasonable assurance that the aircraft operator’s report is free from material misstatements.
3. An application for the regulator’s approval for a virtual site visit must be submitted by an aircraft operator on or before 28 February in the year after the scheme year to which the aircraft operator’s report relates or such later date as the regulator may specify.
4. On an application being submitted, the regulator must take the following into consideration in deciding whether or not to approve the virtual site visit:
 - (a) the information provided by the verifier on the outcome of the risk analysis;
 - (b) information on how the virtual site visit will be carried out;
 - (c) evidence that measures are taken to reduce the verification risk to an acceptable level;
 - (d) any proposal to carry out a physical site visit after the virtual site visit;
 - (e) any other information requested by the regulator to enable the regulator to decide whether or not to approve the virtual site visit.
5. When approving a virtual site visit, the regulator may impose conditions on the approval (including a condition that a physical site visit be carried out within a period specified by the regulator); and the aircraft operator must ensure that any conditions are complied with.”.

Paragraph 34 substituted (Article 46)

(5) For paragraph 34 substitute—

“34. Article 46(1) is to be read as if—

- (a) in the first subparagraph “or other legal entity” were omitted;
- (b) in the second subparagraph “harmonised” were omitted.”.

Paragraph 37 substituted (Article 49)

(6) For paragraph 37 substitute—

“37. Article 49 is to be read as if—

- (a) in paragraph 1 “harmonised” were omitted;
- (b) in paragraph 2 in the second subparagraph “harmonised” were omitted;
- (c) after paragraph 2 there were inserted—

“3. An accreditation certificate granted on attestation by the national accreditation body that a verifier meets the requirements set by EN ISO 14065:2013(1) ceases to be valid on 1 July 2024 unless before that date the accreditation of the verifier is extended or renewed on attestation by the national accreditation body that the verifier meets the requirements set by EN ISO 14065:2020(2), in conjunction with ISO/IEC 17029:2019(3).”.

(1) ISO 14065:2013 specifies principles and requirements for bodies that undertake validation or verification of greenhouse gas (GHG) assertions. It can be accessed at <https://www.iso.org/standard/60168.html>. A copy may be inspected at the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET.

(2) ISO 14065:2020 specifies general principles and requirements for bodies validating and verifying environmental information. The document includes sector-specific requirements in addition to the requirements of ISO/IEC 17029:2019. It can be accessed at <https://www.iso.org/standard/74257.html>. A copy may be inspected at the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET.

Paragraph 55 substituted (Annex 2)

(7) For paragraph 55 substitute—

“55. Annex 2 is to be read as if for the first sentence there were substituted—

“The standard referred to in this Annex is:

- (a) EN ISO 14065:2020, in conjunction with ISO/IEC 17029:2019:
 - (i) with respect to requirements on verifiers in relation to new requests for accreditation (whenever made);
 - (ii) with respect to other requirements on verifiers on or after 1 July 2024;
- (b) either the standard referred to in point (a) or EN ISO 14065:2013, with respect to requirements on verifiers (other than those referred to in point (a)(i)) before 1 July 2024.””.

(3) ISO/IEC 17029:2019 contains general principles and requirements for the competence, consistent operation and impartiality of bodies performing validation/verification as conformity assessment activities. It can be accessed at <https://www.iso.org/standard/29352.html>. A copy may be inspected at the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET.