

Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance)

CHAPTER III

REQUIREMENTS FOR VERIFIERS

Article 42

Impartiality and independence

1 A verifier shall be independent from an operator or aircraft operator and impartial in carrying out its verification activities.

For that purpose, the verifier and any part of the same legal entity shall not be an operator or aircraft operator, the owner of an operator or aircraft operator or owned by them nor shall the verifier have relations with the operator or aircraft operator that could affect its independence and impartiality. The verifier shall also be independent from bodies that are trading emission allowances under the greenhouse gas emission allowances trading scheme established pursuant to Article 19 of Directive 2003/87/EC.

2 A verifier shall be organised in such a manner as to safeguard its objectivity, independence and impartiality. For the purposes of this Regulation, the relevant requirements laid down in the harmonised standard referred to in Annex II shall apply.

3 A verifier shall not carry out verification activities for an operator or aircraft operator that poses an unacceptable risk to its impartiality or that creates a conflict of interest for it. The verifier shall not use personnel or contracted persons in the verification of an operator's or aircraft operator's report that involves an actual or potential conflict of interest. The verifier shall also ensure that the activities of personnel or organisations do not affect the confidentiality, objectivity, independence and impartiality of the verification.

An unacceptable risk to impartiality or a conflict of interest referred to in the first sentence of the first subparagraph shall be considered to have arisen in either of the following cases, amongst others:

- a where a verifier or any part of the same legal entity provides consulting services to develop part of the monitoring and reporting process that is described in the monitoring plan approved by the competent authority, including the development of the monitoring methodology, the drafting of the operator's or aircraft operator's report and the drafting of the monitoring plan;
- b where a verifier or any part of the same legal entity provides technical assistance to develop or maintain, the system implemented to monitor and report emissions or tonne-kilometre data.

4 A conflict of interest for a verifier in the relations between it and an operator or an aircraft operator shall be considered to have arisen in either of the following cases, amongst others:

Changes to legislation: Commission Regulation (EU) No 600/2012, Article 42 is up to date with all changes known to be in force on or before 29 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- a where the relationship between the verifier and the operator or aircraft operator is based on common ownership, common governance, common management or personnel, shared resources, common finances and common contracts or marketing;
- b where the operator or aircraft operator has received consultancy referred to in point (a) of paragraph 3 or technical assistance referred to in point (b) of that paragraph by a consultancy body, technical assistance body or another organisation having relations with the verifier and threatening the impartiality of the verifier.

For the purposes of point (b) of the first subparagraph, the verifier's impartiality shall be considered compromised where the relations between the verifier and the consultancy body, technical assistance body or the other organisation is based on common ownership, common governance, common management or personnel, shared resources, common finances, common contracts or marketing and common payment of sales commission or other inducement for the referral of new clients.

5 A verifier shall not outsource the independent review or the issuance of the verification report. For the purposes of this Regulation, when outsourcing other verification activities, the verifier shall meet the relevant requirements laid down in the harmonised standard referred to in Annex II.

However, contracting individuals to carry out verification activities shall not constitute outsourcing for the purposes of the first subparagraph where the verifier, when contracting those persons, meets the relevant requirements in the harmonised standard referred to in Annex II.

6 A verifier shall establish, document, implement and maintain a process to ensure continuous impartiality and independence of the verifier, parts of the same legal entity as the verifier, other organisations referred to in paragraph 4, and of all personnel and contracted persons involved in the verification. That process shall include a mechanism to safeguard the impartiality and independence of the verifier and shall meet the relevant requirements laid down in the harmonised standard referred to in Annex II.

Changes to legislation:

Commission Regulation (EU) No 600/2012, Article 42 is up to date with all changes known to be in force on or before 29 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulation modified by [2019 c. 1 s. 79\(5\)](#)
- Regulation repeal by [EUR 2018/2067 Regulation](#)
- Art. 42 word substituted by [S.I. 2019/107 reg. 77](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/107 reg. 93](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3(A1) inserted by [S.I. 2019/107 reg. 68\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3(2) words substituted by [S.I. 2019/107 reg. 68\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3(3) words omitted by [S.I. 2019/107 reg. 68\(d\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3(4a)(4b) inserted by [S.I. 2019/107 reg. 68\(e\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3(6) words substituted by [S.I. 2019/107 reg. 68\(f\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3(6a)-(6c) inserted by [S.I. 2019/107 reg. 68\(g\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3(11a) inserted by [S.I. 2019/107 reg. 68\(h\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 3a inserted by [S.I. 2019/107 reg. 69](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 10(1)(m) words substituted by [S.I. 2019/107 reg. 72\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 10(1)(m) words substituted by [S.I. 2019/107 reg. 72\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 16(2)(c) words omitted by [S.I. 2019/107 reg. 73](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 27(3)(f) substituted by [S.I. 2019/107 reg. 75\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))

- Art. 27(3)(o) omitted by [S.I. 2019/107 reg. 75\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 37(1)(a) words substituted by [S.I. 2019/107 reg. 76](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 58(1)(a) word substituted by [S.I. 2019/107 reg. 84](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 70(1)(d) omitted by [S.I. 2019/107 reg. 88\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 71(a) omitted by [S.I. 2019/107 reg. 89\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 71(b) omitted by [S.I. 2019/107 reg. 89\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Art. 75(2)(b) omitted by [S.I. 2019/107 reg. 92\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))