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Rev1

## NOTICE TO STAKEHOLDERS

### WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON THE MONITORING AND VERIFICATION OF CO<sub>2</sub> EMISSIONS FROM MARITIME TRANSPORT

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that as from 30 March 2019, 00:00h (CET) ('the withdrawal date')<sup>1</sup> the United Kingdom will be a 'third country'.<sup>2</sup>

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement, all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the draft Withdrawal Agreement,<sup>3</sup> as of the withdrawal date, the EU rules governing reporting, monitoring and verification of CO<sub>2</sub> emissions from maritime transport, and in particular, Regulation (EU) 2015/757 on the Monitoring, Reporting and Verification of Carbon Dioxide (CO<sub>2</sub>) Emissions from Maritime Transport,<sup>4</sup> no longer apply to the United Kingdom. This has in particular the following consequences:

#### 1. SCOPE OF THE MONITORING OBLIGATION

According to Articles 4(1) and 6(1) of Regulation (EU) 2015/757, companies shall monitor and report CO<sub>2</sub> emissions of their ships – regardless of their flag – within Member State ports and for any voyage to or from the port of a Member State.

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<sup>1</sup> In accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

<sup>2</sup> A third country is a country not member of the EU.

<sup>3</sup> Cf. Part four of the draft *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, as agreed at negotiator's level on 14 November 2018 ([https://ec.europa.eu/commission/publications/draft-agreement-withdrawal-uk-eu-agreed-negotiators-level-14-november-2018-including-text-article-132\\_en](https://ec.europa.eu/commission/publications/draft-agreement-withdrawal-uk-eu-agreed-negotiators-level-14-november-2018-including-text-article-132_en))

<sup>4</sup> OJ L 123, 19.5.2015, p. 55.

Companies have to submit monitoring plans to accredited verifiers setting out inter alia the monitoring method for each of their ships, as well as verified annual emission reports containing all relevant data to the European Commission and the authorities of the Flag State.

As of the withdrawal date, CO<sub>2</sub> emissions

- of ships within ports under the jurisdiction of the United Kingdom; and
- from voyages from a port of the United Kingdom to the port of a third country, and *vice-versa*

do not fall under these monitoring and reporting requirements.

## **2. DOCUMENTS OF COMPLIANCE; ACCREDITATION OF VERIFIERS**

According to Articles 13 and 17 of Regulation (EU) 2015/757, a verifier shall assess the conformity of the monitoring plan with the Regulation and issue a document of compliance.

According to Article 17(4) of Regulation (EU) 2015/757, the verifier shall inform the Commission and the flag State of the issuance of the document of compliance.<sup>5</sup>

According to Article 16 of Regulation (EU) 2015/757, the verifier has to be accredited by a national accreditation body of an EU Member State in line with Regulation (EC) No 765/2008.<sup>6</sup>

As of the withdrawal date, accreditations by the UK National Accreditation Body will no longer be valid in the EU.

As a consequence, as of the withdrawal date, verifiers accredited by the UK National Accreditation Body can no longer issue documents of compliance under Regulation (EU) 2015/757.

The website of the Commission on reducing greenhouse gas emissions from the shipping sector ([https://ec.europa.eu/clima/policies/transport/shipping\\_en](https://ec.europa.eu/clima/policies/transport/shipping_en)) provides general information in this regard. These pages will be updated with further information, where necessary.

European Commission  
Directorate-General Climate Action

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<sup>5</sup> In addition, according to Article 18 of Regulation (EU) 2015/757, ships arriving at, within or departing from a port of a Member State have to carry on board a valid document of compliance to demonstrate compliance with the monitoring, reporting and verification obligations under the Regulation.

<sup>6</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, OJ L 218, 13.8.2008, p. 30.