



Brussels, 7 March 2018

## NOTICE TO STAKEHOLDERS

### WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF THE COMMUNITY ECO-MANAGEMENT AND AUDIT SCHEME (EMAS)

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, unless a ratified withdrawal agreement<sup>1</sup> establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').<sup>2</sup> The United Kingdom will then become a 'third country'.<sup>3</sup>

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

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all interested parties, and especially Eco-Management and Audit Scheme (EMAS) registered organisations, organisations planning to apply for EMAS registration, Competent Bodies, Accreditation Bodies and environmental verifiers, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme ("the EMAS Regulation")<sup>4</sup> will no longer apply to the United Kingdom.

This has in particular the following consequences:

#### 1. EMAS REGISTRATIONS

- As from the withdrawal date, the EMAS Competent Body designated by the United Kingdom according to Article 11 of the EMAS Regulation will lose its status. It will not be in the position to carry out the tasks described in the EMAS Regulation. It will therefore be removed from the list of EMAS Competent Bodies on the EU EMAS website and its right to access the EMAS register database will be removed.

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<sup>1</sup> Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

<sup>2</sup> Furthermore, 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>3</sup> A third country is a country not member of the EU.

<sup>4</sup> OJ L 342, 22.12.2009, p. 1.

- EMAS registrations awarded by the EMAS Competent Body designated by the United Kingdom are no longer valid and the EMAS logo can no longer be used by organisations as of the withdrawal date.<sup>5</sup>

Article 3(3) of the EMAS Regulation establishes the possibility of the registration of organisations from outside the European Union (EMAS global registration):<sup>6</sup> Organisations based in the United Kingdom can, as from the withdrawal date, apply for a new EMAS-global registration with an EU-27 EMAS Competent Body or – on the basis of a contractual arrangement between the EMAS registered organisation, the United Kingdom EMAS Competent Body, and one of the EU-27 EMAS Competent Bodies - arrange for a transfer of the registration from the UK EMAS Competent Body to an EU-27 EMAS Competent Body.

Furthermore, Article 3(2) of the EMAS Regulation establishes the possibility for organisations established in the EU-27 to include sites located in third countries into one single corporate registration.<sup>7</sup>

## 2. EMAS ENVIRONMENTAL VERIFIERS

- As from the withdrawal date, the EMAS Accreditation Body appointed by the United Kingdom according to Article 28 of the EMAS Regulation will lose its status. It will not be in the position to carry out the tasks described in the EMAS Regulation. It will therefore be removed from the list of EMAS Accreditation and Licensing Bodies on the EU EMAS website.
- As from the withdrawal date, EMAS environmental verifiers accredited by the United Kingdom's Accreditation Body according to Articles 20 and 21 of the EMAS Regulation will lose their status and will not be in the position to carry out the tasks described in the EMAS Regulation.

The website of the Commission on [EMAS](#) provides for general information concerning the EMAS registration process and EMAS Competent Bodies. These pages will be updated with further information, where necessary.

European Commission  
Directorate-General for the Environment

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<sup>5</sup> Articles 10 and 35(2) of the EMAS Regulation.

<sup>6</sup> An application can only be introduced with an EU-27 EMAS Competent Body that is designated by the Member State to provide for and be responsible for the registration of organisations located outside the Community (Article 11(1) of the EMAS Regulation). Currently the following Member States provide for EMAS global registration: Finland, Germany, Spain, Italy, Denmark, Austria, Belgium and Portugal. In addition, the environmental verifier, which will carry out the verification and validate the environmental management system of the organisation, must be accredited or licensed in the Member State where the organisation applies for registration. (Article 3(3) of the EMAS Regulation).

<sup>7</sup> According to Article 3(2) of the EMAS Regulation, this requires that (i) the organisation's headquarter or management centre designated for the purpose of the corporate registration, is located in an EU-27 Member State and (ii) the application for corporate registration is made to the Competent Body of that Member State.