Draft Order laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No. 0000

EXITING THE EUROPEAN UNION

MERCHANT SHIPPING

The Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) (Amendment) (EU Exit) Regulations 2018

Made - - - - 2018

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 8 of the European Union (Withdrawal) Act 2018(**a**), makes the following Regulations.

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament:

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

(**a**) 2018 c.16.

PART 2

Amendment of subordinate legislation

Amendment of the Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017

2.—(1) The Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017(**a**) are amended as follows.

(2) In regulation 2 (interpretation), at the end add—

"(3) In these Regulations a certificate of compliance includes a certificate issued pursuant to the 2015 Regulation as it has effect in EU law on and after exit day.".

(3) In regulation 4 (requirement to carry a document of compliance), in paragraph (4) for "under the jurisdiction of an EEA State" substitute "in the United Kingdom".

(4) Omit regulations 7 (expulsion order) and 8 (power to permit prohibited ships to enter port).

PART 3

Amendment of retained direct EU legislation

Amendment of Commission Regulation (EU) 2015/757

3.—(1) Commission Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC(**b**) is amended as follows.

(2) In Article 2 (scope), for "under the jurisdiction of a Member State", wherever it appears, substitute "in the United Kingdom".

(3) In Article 3 (definitions), in the definition of "ship at berth" for "under the jurisdiction of a Member State" substitute "in the United Kingdom".

(4) In Article 4 (common principles for monitoring and reporting), for "under the jurisdiction of a Member State", wherever it appears, substitute "in the United Kingdom.

(5) In Article 5 (methods for monitoring CO_2 emissions and other relevant information), in paragraph 2—

(a) in the first sentence omit the words from "Commission" to "Article 23" and substitute "Secretary of State may make regulations" and omit the full stop after "standards",

(b) in the second sentence, for the words from "The Commission" to "Article 23" substitute "and".

(6) In Article 6 (content and submission of monitoring plan)—

(a) in paragraph 2, for "under the jurisdiction of a Member State", substitute "in the United Kingdom",

(b) in paragraph 5, for the words "determined by the Commission" to the end substitute "in the form specified in regulations made by the Secretary of State.".

(7) In Article 9 (monitoring on a per-voyage basis)—

(a) in paragraph 1, for "under a Member State's jurisdiction" substitute "in the United Kingdom",

(b) in paragraph 2(a) for "under the jurisdiction of a Member State" substitute "in the United Kingdom".

(**a**) S.I. 2017/825.
(**b**) O.J. L 123, 19.5.2015, p.55.

(8) In Article 10 (monitoring on an annual basis), for "under a Member State's jurisdiction", wherever it appears, substitute "in the United Kingdom".

(9) In Article 11 (content of the emissions report), in paragraph 1, omit the words from "Commission" to "concerned" and substitute "Secretary of State".

(10) In Article 12 (format of the emissions report), for paragraph 2 substitute—

> "2. The technical rules establishing the data exchange formats, including the electronic templates, shall be in the form specified by regulations made by the Secretary of State.".

(11) In Article 15 (verification procedures), in paragraph 5—

(a) in the first sentence omit the words from "Commission" to "order" and substitute "Secretary of State may make regulations",

(b) in the second sentence, omit "When adopting these acts, the Commission" and substitute "The Secretary of State".

(12) In Article 16 (accreditation of verifiers), in paragraph 3

(a) In the first sentence, omit the words from "Commission" to "order" and substitute "Secretary of State may make regulations ",

(b) in the second sentence omit "When adopting these acts, the Commission" and substitute "The Secretary of State",

(c) in the third sentence, omit "in those delegated acts".

(13) In Article 17 (document of compliance—

(a) in paragraph 4 for "Commission" substitute "Secretary of State",

(b) in paragraph 5—

(i) omit the words from "Commission" to "acts" and substitute "Secretary of State may make regulations specifying"; and

(ii) omit the second sentence.

(14) In Article 18 (obligation to carry a valid document of compliance on board) for "under the jurisdiction of a Member State" substitute "in the United Kingdom".

(15) Omit Article 19 (compliance with monitoring and reporting requirement).

(16) Omit Article 20 (penalties, information exchange and expulsion order).

(17) In Article 21 (publication of information and Commission report)—

(a) in the heading omit "and Commission report",

(b) in paragraphs 1, 2, 3 and 4, for "Commission", wherever it appears, substitute " Secretary of State",

(c) omit paragraphs 5 and 6.

(18) In Article 22 (international cooperation)—

(a) in paragraph 1—

(i) for "Commission" substitute "Secretary of State", and

(ii) omit the words from "without prejudice" to the end;

(b) in paragraph 2, omit the words from "Commission" to "States" and substitute " Secretary of State",

(c) in paragraph 3—

(i) for "Commission" substitute "Secretary of State"; and

(ii) omit the words after "Regulation" to the end.

(19) In Article 23 (exercise of delegation) —

(a) for the title substitute "Regulations",

(b) for paragraph 1 substitute "Any power of the Secretary of State to make regulations shall be exercisable by statutory instrument.",

(c) for paragraph 2 substitute "Any statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.",

(d) omit paragraphs 3 to 5.

(20) Omit Article 24(committee procedure).

Amendment of Commission Implementing Regulation (EU) 2016/1927

4.—(1) Commission Implementing Regulation (EU) 2016/1927 of 4 November 2016 on templates for monitoring plans, emissions reports and documents of compliance pursuant to Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC(**a**) is amended as follows.

(2) In article 3 (electronic template of the emissions report), for words from "available" until the end of the sentence substitute "published by the Secretary of State and available on the gov.uk website".

(3) In article 4 electronic version of the document of compliance), for "available in Thetis MRV" substitute "published by the Secretary of State and available on the gov.uk website".

(4) In Annex I (template for monitoring plans)—

(a) for "EU MRV procedures", wherever it appears, substitute "MRV procedures",

(b) for "EU MRV Regulation" wherever it appears, substitute "MRV Regulation".

(5) In Part D (results from annual monitoring of the parameters in accordance with article 10) of Annex II for "ports under a Member State's jurisdiction", wherever it appears, substitute "a port in the United Kingdom".

Signed by authority of the Secretary of State

Name
Parliamentary Under Secretary of State
Department for Transport

Date

(**a**) O.J. L 299, 5.11.2016, p. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to monitoring and reporting of carbon dioxide emissions from maritime transport.

Part 2 amends the Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017 (S.I.2017/825).

Part 3 amends Commission Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (O.J. L 123, 19.5.2015, p.55) and Commission Implementing Regulation (EU) 2016/1927 of 4 November 2016 on templates for monitoring plans, emissions reports and documents of compliance pursuant to Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (O.J. L 299, 5.11.2016, p. 1).

Electronic versions of the template of the emissions report and the document of compliance, referred to in regulation 4(2) and 4(3) are available at [ ].

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is forseen.

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