



Implementation & Enforcement: role of Flag States and Port States

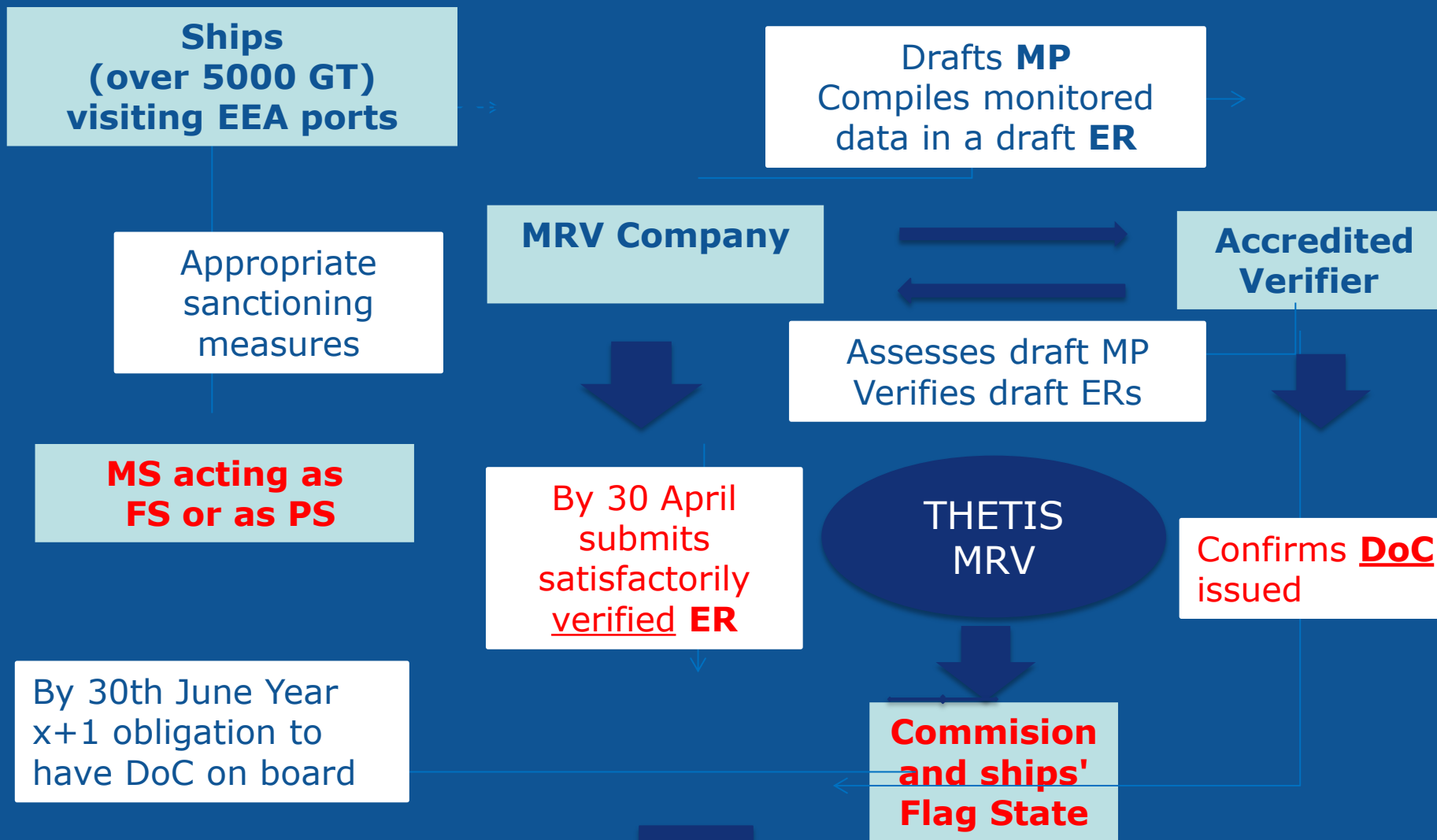
EMSA 2018

SCOPE MRV Regulation

- Main categories of ships above 5000 GT
- Performing maritime transport
- Some categories excluded (warships, fishing ships, ...)
- Activities not considered maritime excluded (recital 14)
- EEA related voyages
- Emissions in EEA ports



MRV Compliance cycle



Enforcement by MS MRV obligations

- Last phase of compliance cycle
- MS acting as FS or PS, on a ship basis
- Inspections and sanctions as part of a gradual and dissuasive approach
- Other EU maritime regulations already address the issue of compliance of ships 'based on EU regional standards when entering an EU port' (insurance certificates)

FAQs

Elements of the MRV enforcement

- Ships: compliance entity 'MRV Company'
- Compliance cycle
- Responsible entity breach of MRV obligations
- MS's role in ensuring compliance
 - **National sanctions and penalties**
 - **MS' cooperation**

Compliance MRV entity

- Ships over 5000 GT having performed maritime transport from to EEA ports over a reporting period (starting from 1st January 2018)
- Breach to be identified by national measures:
 - Lack of a valid MRV Document of Compliance (THETIS MRV)

MS acting as Flag States under MRV

- Receive copy of satisfactory verified ERs (Thetis MRV; article 11)
- Are Notified of issuance of DoCs (article 17)
- Issuance of DoC in THETIS as evidence of compliance
- Required to take all necessary measures to ensure compliance (article 19(1))

Article 19 (1) MRV Shipping Regulation

- MS acting as Flag States: Compliance checks on ships sailing under their flag (Article 19 §1)
- MS acting as Port States:
 - **Inspections of ships not sailing under their flag within their ports (Article 19 §2) "PSC like – instrument"**
 - **Compliance checks of ships not sailing under their flag within their ports not having notified a doc of compliance (Article 19 §3)**

MS acting as Port States

Article 19 (2) MRV Shipping Regulation

- MRV Document of Compliance added to annex IV (similarly to the insurance certificate under Directive 2009/20/EC)
- Port State control in accordance with Directive 2009/16 "PSC -like instrument"
- "Ships other than MS own flag" calling at MS' ports
- Use of synergies along PSC - inspections
- Ships selected following PSC criteria set out in Annex I of PSC Directive

MS acting as Port States

Article 19 (3) MRV Shipping Regulation Residual compliance checks

- Only for "other than its own flag" ships, lacking notification of the MRV document of compliance
- MSs use information THETIS MRV information on ships failing to perform MRV obligations for the previous calendar year and visiting their ports
- Results of the checks to be shared with other MSs and Commission (commonly accessible database)

MS system of penalties Art. 20(1)

- For failure to comply with monitoring and reporting obligations under Art. 8-12
 - *Article 8-9 monitoring per voyage and annual*
 - *Article 10-11 content of the ER*
 - *Article 12 ER templates-submission through Thetis MRV*
- Level of penalties set at the national level

National sanctions Art. 20 MRV Shipping Regulation

- Level of penalties set at the national level (Article 20 (1))
 - effective: incentive for complying with MRV obligations;
 - dissuasive: *decrease the risk of « reoffending »*;
 - proportionate: correspond to the gravity of the offence

Art. 20 penalties, information exchange and expulsion order

- Obligation to establish exchange information an effective cooperation between authorities responsible for ensuring compliance or where applicable entrusted with penalty measures 20(3)
- National penalty procedures to be notified to Commission

National Sanctioning

- 25 MS (out of 28 MS) where due to notify their national sanctioning measures under Article 20.4 with a deadline of July 2017
- 13 EU pilots were opened in November 2017 in relation to those delayed in relation to their notification
- 6 received a letter

Exchange of information and cooperation Art. 20(2)

- Fundamental to ensure an effective regional enforcement mechanism
- National sanctioning measures to be handed to:
 - Flag states
 - Commission
 - EMSA
 - All other EEA MS
- Facilitated through appropriate EEA – wide data base

Article 20(3)

- Expulsion order only as a last resource:
 - **Two or more consecutive reporting periods and**
 - **where other enforcement measures have failed to ensure compliance**
- Lack of 2018 DoC + penalty by FS or PSC when visiting EEA ports after 30th June 2019
- Lack of 2019 DoC + penalty by FS or PSC when visiting EEA ports after 30th June 2019 + expulsion order by the authority of the port of entry

Information on the state of the ships reporting obligations

- Thetis MRV as a reporting tool provides for relevant information
- Commission and FS get simultaneously information on ERs and DoCs
- Information submitted by ships considered in compliance published 30th of June each year starting from 2019
- Based on this information, MS shall enforce either as FS and or as PS

Conclusions on enforcement

- Carried out by MS acting as Flag States and Port States, on a ship basis
- Other EU maritime regulations already consider the issue of compliance of ships "based on EU regional standards when entering an EU port".
- Inspections and sanctions as part of a gradual and dissuasive approach. Expulsion as a last resort measure



Thank you for your attention !

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