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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made to support the operation of Regulation (EU) No. 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. L123, 19.5.2015, p. 55.) (“the 2015 Regulation”).

The 2015 Regulation creates a mechanism for monitoring and reporting carbon dioxide emissions from ships and for reporting other information at national and European Union level. Compliance with the 2015 Regulation is to be demonstrated by a document of compliance which must be carried on board the ship.

The Regulations create a requirement for a ship entering or leaving a UK port to carry a valid document of compliance (regulation 4), the failure to produce the document of compliance is a criminal offence (regulation 5) and the ship may be detained (regulation 6).

A ship which is the subject of an expulsion order issued by another EEA State may not enter a port in the United Kingdom (regulation 7), but the Secretary of State has a discretion to permit a ship which is the subject of an expulsion order to enter a specific port or anchorage (regulation 8).

Where the validity of a detention is questioned the matter may be referred to arbitration (regulation 9) and compensation awarded (regulation 10).

The Regulations also amend the Merchant Shipping (Port State Control Regulations) 2011 (S.I.2011/2601) to make it a requirement for an inspection under those regulations to include a check that the ship is carrying a document of compliance; this will apply to inspections carried out on and after 30th June 2019. The Regulations also correct an error in the drafting in regulations 2 and 3 of those regulations (regulation 11).

The Secretary of State is required to review the operation and effect of regulations 3 to 10 of these Regulations and publish a report before 1st October 2022 and within every five years after that (regulation 12). Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full Impact Assessment has not been produced for this instrument as it is not expected to have significant impact on the public or voluntary sectors and only minimal impact on the private sector is foreseen. A Regulatory Triage Assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017.