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APPLICATION:

Type of ships: **Ships to which Regulation (EU) 1257/2013 applies (ship recycling)**

WITHDRAWAL OF THE UNITED KINGDOM AND THE EU SHIP RECYCLING REGULATION

Following notification of the United Kingdom submitted on 28 March 2017 of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union, as from 30 March 2019 the United Kingdom will be treated as a “third country” with regard to the implementation of the Regulation (EU) 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling.

Consequently, subject Regulation (EU) 1257/2013 will no longer apply to the United Kingdom as an EU member country.

Notice to stakeholders released by European Commission on 28 March 2018 on withdrawal of the United Kingdom and the EU ship recycling regulation, attached to this Newsletter should be observed for more details.

However, and notwithstanding the above stated, it is to be noted that 30 March 2019 as the date of the withdrawal of the United Kingdom from the Union, the European Council in agreement with the United Kingdom may unanimously decide that the Treaties cease to apply at a later date.

ATTACHMENT:

- European Commission, Directorate-General Environment, Notice to Stakeholders, dated 28 March 2018



Brussels, 28 March 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND THE EU SHIP RECYCLING REGULATION

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 agreement¹ 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').² The United Kingdom will then become a 'third country'.³

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, relevant stakeholders 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, the EU rules on ship recycling, and in particular Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling⁴ no longer apply to the United Kingdom.

This has in particular the following consequences:⁵

According to Article 6(2)(a) of Regulation (EU) No 1257/2013, owners of ships flying the flag of a Member State⁶ shall ensure that ships destined to be recycled are only

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² 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.

³ A third country is a country not member of the EU.

⁴ OJ L 330, 10.12.2013, p. 1.

⁵ This notice does not address EU rules on maritime transport. On these aspects, including controls in the framework of the EU port state control inspection system, see the "*Notice to Stakeholders – Withdrawal of the United Kingdom and EU rules in the field of maritime transport*" (https://ec.europa.eu/info/brexit/brexit-preparedness_en?page=1).

⁶ Article 2(1) of Regulation (EU) No 1257/2013.

recycled at ship recycling facilities that are included in the European List of ship recycling facilities ('the European List'). As of the withdrawal date, the entries in the European List⁷ of ship recycling facilities for facilities located in the United Kingdom will become void. As a consequence, ships flying the flag of a Member State of the Union may no longer be recycled at these ship recycling facilities.

The above is without prejudice to the possibility for the Commission to list facilities located in third countries in the European List in accordance with Article 16 of Regulation (EU) No 1257/2013.

The website of the Commission on the European Union's ship recycling policy (<http://ec.europa.eu/environment/waste/ships/index.htm>) provides general information concerning shipments of waste and the recycling of specific waste streams. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Environment

⁷ Commission Implementing Decision (EU) 2016/2323 of 19 December 2016 establishing the European List of ship recycling facilities pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling (OJ L 345, 20.12.2016, p. 119).