



Brussels, 14 July 2020  
REV1 – replaces the notice dated  
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)

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.<sup>1</sup> The Withdrawal Agreement<sup>2</sup> provides for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applies to and in the United Kingdom.<sup>3</sup>

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom’s participation in the internal market,<sup>4</sup> in the EU Customs Union, and in the VAT and excise duty area.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation applicable after the end of the transition period.

#### **Advice to stakeholders:**

To address the consequences set out in this notice, organisations registered under EMAS by the Competent Body designated by the United Kingdom are in particular advised to:

- Apply for a new EMAS-global registration with an EU EMAS Competent Body, or

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<sup>1</sup> A third country is a country not member of the EU.

<sup>2</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 (“Withdrawal Agreement”).

<sup>3</sup> Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

<sup>4</sup> In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the “country of origin principle”, and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

- Arrange for a transfer - on the basis of a contractual arrangement between the EMAS registered organisation, the United Kingdom EMAS Competent Body, and one of the EU EMAS Competent Bodies - of the registration from the UK EMAS Competent Body to an EU EMAS Competent Body.

After the end of the transition period, Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme ("the EMAS Regulation")<sup>5</sup> will no longer apply to the United Kingdom. This has in particular the following consequences:

## 1. EMAS REGISTRATIONS

- From the end of the transition period, 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.
- 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 from the end of the transition period.<sup>6</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>7</sup> Organisations based in the United Kingdom can apply for a new EMAS-global registration with an EU EMAS Competent Body after the end of the transition period or – on the basis of a contractual arrangement between the EMAS registered organisation, the United Kingdom EMAS Competent Body, and one of the EU EMAS Competent Bodies - arrange for a transfer of the registration from the UK EMAS Competent Body to an EU EMAS Competent Body.

Furthermore, Article 3(2) of the EMAS Regulation establishes the possibility for organisations established in the EU to include sites located in third countries into one single corporate registration.<sup>8</sup>

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<sup>5</sup> OJ L 342, 22.12.2009, p. 1.

<sup>6</sup> Articles 10 and 35(2) of the EMAS Regulation.

<sup>7</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>8</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.

## **2. EMAS ENVIRONMENTAL VERIFIERS**

- From the end of the transition period, 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.
- From the end of the transition period, 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 ([ec.europa.eu/environment/emas](http://ec.europa.eu/environment/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 Environment