Guidance Document

ETS and MRV Maritime Regulation General guidance on the process for approval of monitoring plans by administering authorities

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Disclaimer

This document is part of a series of documents provided by the Commission services for supporting the implementation of the EU ETS (the European Union Emission Trading System).

The guidance represents the views of the Commission services at the time of publication. It is not legally binding.

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1 INTRODUCTION

1.1 About this document

This document has been written to support the implementation of the MRV Maritime Regulation and its delegated and implementing acts as well as the EU ETS Directive with regards to shipping activities, by explaining the legal requirements in a non-legislative language. It is part of a set of guidance documents covering different aspects of those legal acts. However, it should always be remembered that only the legal acts themselves are legally binding.

This document interprets the legislation regarding requirements for shipping companies and relevant stakeholders and authorities. It builds on earlier guidance as well as best practice identified during earlier phases of implementation of the MRV Maritime Regulation. It also takes into account the valuable input from the Climate Change Expert Group (CCEG) Maritime formation. This guidance document was endorsed by Member States in the Meeting of the Maritime Formation of the CCEG (Expert Group on Climate Change) in its meeting on 3 July 2024.

1.2 Where to find further information

All guidance documents and further information provided by the Commission on the basis of the MRV Maritime Regulation can be downloaded from the Commission's website at the following address:

https://climate.ec.europa.eu/eu-action/transport/reducing-emissions-shipping-sector_en

2 CONCEPTS AND LEGAL FRAMEWORK

Note: Throughout this document, "**Member States**" are to be understood to include the 27 EU Member States as well as the EFTA states covered in the **EEA** (European Economic Area), i.e. Norway, Iceland and Liechtenstein, which fully participate in the EU ETS and apply the MRV Maritime Regulation. Therefore, "EU ports" and "EEA ports" are used interchangeably.

2.1 Overview of process regarding Monitoring Plans

Since 1 January 2018, the maritime transport sector has been obliged to monitor and report emissions in accordance with the MRV Maritime Regulation¹. Under this Regulation, shipping companies have to **provide monitoring plans ('MP') for each of the ships** under their responsibility, through THETIS-MRV. Guidance Document n°1 [*ETS and MRV Maritime Regulation – General Guidance for shipping companies*] provides further information regarding the preparation of monitoring plans by shipping companies.

Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of greenhouse gas emissions from maritime transport, and amending Directive 2009/16/EC (Text with EEA relevance); Consolidated version: http://data.europa.eu/eli/reg/2015/757/2024-01-01

Monitoring plans need to be assessed by an accredited verifier², which should carry out verification activities in line with Delegated Regulation (EU) 2023/2917 on the verification activities, accreditation of verifiers and approval of monitoring plans by administering authorities³ (the 'Delegated Regulation' thereafter).

As soon as monitoring plans have been assessed as being in conformity⁴ by an accredited verifier, and by the deadlines laid down in the MRV Maritime Regulation, **shipping companies must submit monitoring plans** of ships under their responsibility and falling within ETS scope **to their responsible administering authority for approval**. A first list attributing shipping companies to administering authorities (Member States) was published by the Commission on 31 January 2024.⁵ Guidance Document n°1 provides further information on the determination of the administering authority responsible ('AA'), in particular for shipping companies that are not on the first attribution list.

The deadlines for submission of MPs to the AA are set in Article 6(6) and (7) of the MRV Maritime Regulation. The deadline for MP submission is 1 April 2024 for ships that were already falling within the scope of the MRV Maritime Regulation. For ships falling within the scope for the first time after 1 January 2024, companies shall submit the MP without undue delay and no later than three months after each ship's first call in a port under the jurisdiction of a Member State.⁶

As far as submission of modifications to MPs are concerned, the relevant deadlines are laid down in Article 7(4) of the MRV Maritime Regulation⁷ and in Article 75(1) of the Delegated Regulation⁸. Accordingly, companies must submit the MP without undue delay once it has received a notification from the verifier that the monitoring plan is in conformity.

After submission of the MP by shipping companies, it is the responsibility of **administering authorities to check those MP and approve them if they are found to be compliant** with the MRV Maritime Regulation. The relevant provisions are Article 6(8) of the MRV Maritime Regulation and, as far as approval of modified MPs are concerned, Article 7(5) of that Regulation.

A verifier means a legal entity carrying out verification activities which is accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008 and Regulation (EU) 2015/757.

Commission Delegated Regulation (EU) 2023/2917 of 20 October 2023 on the verification activities, accreditation of verifiers and approval of monitoring plans by administering authorities pursuant to Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of greenhouse gas emissions from maritime transport, and repealing Commission Delegated Regulation (EU) 2016/2072, OJ L, 2023/2917, 29.12.2023, ELI: http://data.europa.eu/eli/reg_del/2023/2917/oj

⁴ The verifier shall provide the company in writing with the conclusions reached regarding the MP assessment, including a statement on whether the MP is assessed as being in conformity with Regulation (EU) 2015/757, Implementing Regulation (EU) 2016/1927 and, where applicable, Directive 2003/87/EC.

Commission Implementing Decision (EU) 2024/411 of 30 January 2024 on the list of shipping companies specifying the administering authority in respect of a shipping company in accordance with Directive 2003/87/EC of the European Parliament and of the Council, OJ L, 2024/411, 31.1.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/411/oj

^{6 &#}x27;6. By 1 April 2024, companies shall, for each of their ships falling within the scope of this Regulation, submit to the administering authority responsible a monitoring plan that has been assessed as being in conformity with this Regulation by the verifier and that reflects the inclusion of CH₄ and N₂O emissions within the scope of this Regulation.

^{7.} Notwithstanding paragraph 6, for ships falling within the scope of this Regulation for the first time after 1 January 2024, companies shall submit a monitoring plan in conformity with the requirements of this Regulation to the administering authority responsible without undue delay and no later than three months after each ship's first call in a port under the jurisdiction of a Member State.'

^{4.} Modifications of the monitoring plan under paragraph 2, points (b), (c) and (d), of this Article shall be subject to assessment by the verifier in accordance with Article 13(1). Following the assessment, the verifier shall notify the company as to whether those modifications are in conformity. The company shall submit its modified monitoring plan to the administering authority responsible once it has received a notification from the verifier that the monitoring plan is in conformity.'

^{5 &#}x27;1. The company shall submit without undue delay its modified monitoring plan to the administering authority responsible once it has received a notification from the verifier that the monitoring plan is in conformity, or, as far as modifications of the monitoring plan pursuant to Article 7(2), point (a), of Regulation (EU) 2015/757 are concerned, once it has notified the verifiers in accordance with Article 7(3) of that Regulation.'

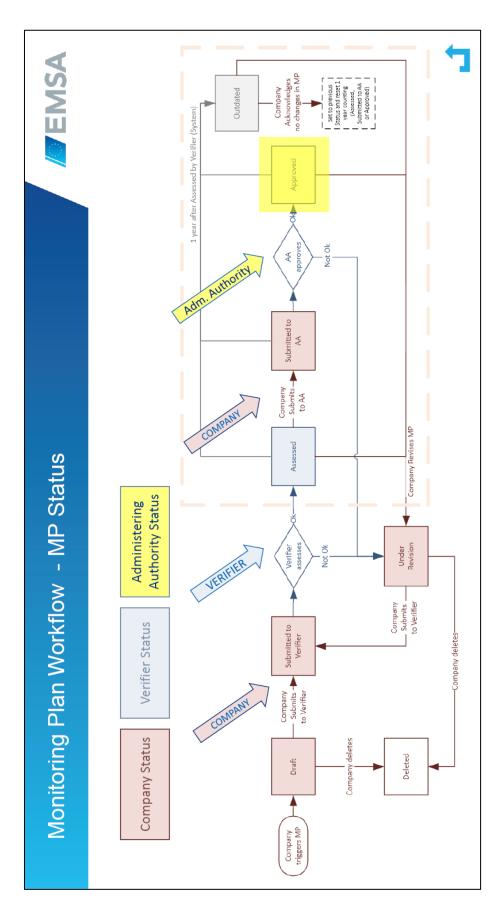


Figure 1: Overview of the MP workflow in THETIS-MRV

Article 6(8) corresponds to the general provision spelling out the obligation for AA to approve the monitoring plans submitted by companies.

Article 7(5) corresponds to the general provision spelling out the obligation for AA to approve the modifications of the monitoring plans submitted by companies.

The AA may, at any time, request a change to an already approved MP, for instance in case of non-conformities identified through additional available information e.g. based on other or additional checking procedures. In such cases, the AA needs to inform the company thereof. The company concerned shall revise the MP according to the feedback received from the AA. Once revised accordingly, the company shall submit the modified MP to the verifier for its assessment, before submitting it to the AA for approval.

Please note that, in such cases, the existing MP remains in force until the approval by the AA on the revised MP has been given. In line with Article 78 of the Delegated Regulation, before receiving approval of the modified MP by the AA, the company may carry out monitoring and reporting using the modified MP where monitoring in accordance with the original monitoring plan would lead to incomplete emission data. In case of doubt, the company should use in parallel both the modified and the original MP to carry out all monitoring and reporting in accordance with both plans, and it shall keep records of both monitoring results.

2.2 Detailed rules from the Delegated Regulation on approval of Monitoring Plans

Chapter VII of Delegated Regulation (EU) 2023/2917 further details the rules on approval of MPs by administering authorities. This section provides an overview of these provisions.

2.2.1 Information to be provided by companies to the administering authorities responsible

According to Article 73 of the Delegated Regulation, companies shall provide the AA responsible with the verifier's conclusions of the assessment of the MP and any additional information that enables it to carry out the approval procedures. Related to that, according to Article 43 of the Delegated Regulation, the verifier shall, upon request, provide the AA responsible with access to the internal verification documentation and other relevant information to facilitate an evaluation of the verification. The AA responsible may set a timeframe within which the verifier shall provide access to that documentation.

Please refer to Section 3.3 in order to see documentation that might be relevant in that context.

The relevant documentation may be provided (uploaded) by shipping companies via THETIS-MRV; however, administering authorities may have specific and/or additional procedures in place with regard to exchange of information and documentation. Shipping companies are therefore encouraged to contact their responsible administering authority in order to learn more about how to provide the required information.

2.2.2 General rules for the approval of monitoring plans by administering authorities

Article 72 of the Delegated Regulation lays down the general obligation for administering authorities to take the necessary measures to ensure that monitoring plans are in compliance with the requirements set out in Article 6 and Annexes I and II to the MRV Maritime Regulation, taking due account of the verifier's conclusions on the assessment of monitoring plans.

It is worth stressing that, contrary to what applies to stationary installations or aviation, ships' MPs shall be first assessed by accredited verifiers before they are submitted to the AA (as explained in Section 2.1 of this Guidance). This first step should limit the administrative burden on the AAs. Nonetheless, AAs may conduct further compliance checks, perform on-site visits and/or on-board inspections (at companies' headquarters and/or onboard ship(s)) and ask for additional information as deemed appropriate (see Section 3). The decision to undertake any such additional visit/inspection relies on the professional judgement of each administering authority. The decision on the approval of monitoring plans is also an independent and sovereign decision to be made by administering authorities. Section 3.2 provides further guidance for making such decision.

Monitoring plans must be submitted by shipping companies via THETIS-MRV to the administering authority responsible. Shipping companies can only submit a MP to the administering authority after the MP has been assessed as being in conformity by an accredited verifier (and after it has been registered as such by the verifier in THETIS-MRV). Once the administering authority approves the MP, it should mark the MP as 'Approved' in THETIS-MRV. By doing so, the shipping company will be automatically notified of the approval.⁹

2.2.3 The AA's approval process for the MP

As soon as the shipping company has provided the AA with a complete set of information as required, the AA will carry out the MP assessment as explained in more details in Section 3.

According to Article 74 of the Delegated Regulation, the AA responsible shall notify the company of the approval of the MP without undue delay, using THETIS-MRV. This requirement may be considered fulfilled once the AA sets the MP as 'approved' in THETIS-MRV, as the system will automatically notify the company of such action. However, please note that Member States may have additional provisions or requirements in national administrative procedures in respect of notifications.

For more information on the approval (and overall workflow) of MP through THETIS MRV, Member States may refer to the tutorial video F06 Monitoring Plan Workflow, available to users of the EMSA Academy.¹⁰

Where the AA responsible does not approve the MP, it shall inform the company thereof without undue delay, explaining the reasons for the non-approval, and require the shipping company to improve the MP accordingly. By this submission of the MP back to the company in THETIS-MRV, the system will automatically notify the company of such action while setting the MP status back to "Under Revision".

The explanation of the reasons for non-approval must be communicated by the AA to the shipping company. Such reasons may be entered by the AA in THETIS-MRV as the system includes the possibility for the AA to record non-conformities to the MP and free text observations under a specific MP revision

⁹ Please note that Member States may have additional procedures in place for notifications and communications with shipping companies, on top of THETIS-MRV.

You can consult the videos on the EMSA Academy webpage at : https://portal.emsa.europa.eu/moodle/course/view.php?id=837.
Please note that access is restricted to EMSA Academy authorised users only. You can request such credentials to access the page by contacting academy.helpdesk@emsa.europa.eu

document.¹¹ However, please note that Member States may also decide to engage in parallel communication with companies, through other means than THETIS-MRV, in order to explain such reasons for the non-approval.

Once notified, the company concerned shall revise the MP according to the feedback received from the administering authority. Once revised accordingly, the company shall submit the MP to the verifier for a reassessment, together with the reasons for the non-approval by the AA. Please note that, when such reasons would be recorded in THETIS-MRV, the verifier would be able to see those at any moment (i.e. even before receiving the MP for reassessment from the company).

Once the revised MP has been assessed by the verifier as being in conformity with the requirements laid down in Articles 6 and 7 of the MRV Maritime Regulation, the company shall resubmit it for AA's approval (still through THETIS-MRV).

Please note that it may sometimes be more efficient that the AA and the shipping company communicate directly instead of iteratively sending MP updates and rejecting them via THETIS-MRV, in particular because in such cases, the verifier would have to be involved in each iteration. This means that, depending on national procedures and processes in place, a company could check with its responsible administering authority, on general terms, what actions could in principle solve the issue(s) identified by the AA, prior to re-submitting the MP to the verifier for re-assessment. However, such communication cannot be considered as an approval of the MP by the AA. Only the decision on approval of the MP, after it has been reassessed by the verifier and in line with the national law of the MS of the AA, may be considered as formal approval of the AA by the company. Such approval will be notified via THETIS-MRV; however, in line with their national administrative law, Member States may require additional procedures and notify companies via other means as well.

2.2.4 General rules for the approval of modifications to monitoring plans by administering authorities

Article 75 of the Delegated Regulation lays down the general provisions with regards to the approval of modifications to monitoring plans by administering authorities. It follows the same logics as for the approval of monitoring plans: the AA should take the necessary measures to ensure that the modified monitoring plans are compliant, notably taking due account of the verifier's conclusions.

However, please note that if the modification to the MP only corresponds to a change of company, pursuant to Article 7(2), point (a), of the MRV Maritime Regulation, the revised MP would not need to be first re-assessed by an accredited verifier. The latter would simply be notified of that change by the company. Still, the AA should decide on the approval of the revised MP, even if it only consists of a company change.

2.2.5 Information to be provided by companies to administering authorities responsible (for modifications to the MP)

Similarly to Article 73, Article 76(1) lays down the obligation for the company to provide the administering authority responsible with the conclusions of the assessment of the modified monitoring plan and any additional information that enables it to carry out the approval procedures.

In addition, in case the modification consists in a change of company, Article 76(2) spells out the obligation for the company to submit to the administering authority responsible evidence of the change of company, as well as indication of whether the monitoring plan had been approved by the administering

You may find more explanations about such revision documents in THETIS-MRV video tutorial for companies "C13 Monitoring Plan content" (minute 2:08) (https://www.emsa.europa.eu/thetis-mrv-videos/thetis-mrv-companies.html). The creation of MP revision documents by administering authorities would function in a similar manner as the one explained in that video tutorial.

authority responsible before the change of company, with supporting evidence, in case that administering authority is not the same.

2.2.6 Approval process (for modifications to the MP)

The process described in Article 77 is similar as the one for the approval of monitoring plans described in Article 74. You may refer to the corresponding point above (Section 2.2.3) for more information.

2.2.7 Implementation and record-keeping of modifications

Article 78 lays down provisions related to the implementation and record-keeping of modifications to the MP by companies. Please note that it notably allows companies to make use of the modified monitoring plan even before its approval by the AA, where monitoring in accordance with the original monitoring plan would lead to incomplete emission data.

In case of doubt, the company shall use in parallel both the modified and the original monitoring plan to carry out all monitoring and reporting in accordance with both plans, and it shall keep records of both monitoring results. Upon approval of the modified MP, the data determined in parallel in accordance with the previous (outdated) version of the MP are to be discarded.

3 GUIDANCE ON CHECKS TO BE PERFORMED BY ADMINISTERING AUTHORITIES

3.1 Considerations for initial checks

Administering authorities should always approve monitoring plans one by one, i.e. each MP needs to be assessed separately, even if from the same company.

When approving monitoring plans, administering authorities should consider the following aspects as part of their initial checks:

- Whether the shipping company providing the MP in THETIS-MRV (as indicated in Table B.2 of the MP) is the responsible entity for MRV and ETS obligations, fulfilling the criteria of a 'shipping company' for MRV/ETS purposes (i.e. a registered owner or an ISM company duly mandated);
- Whether the shipping company has submitted a ship's MP in THETIS-MRV that has been assessed as being in conformity by a duly accredited verifier. Please note that in principle, due to the MP workflow process in THETIS MRV, any MP reaching the AA would have first been marked as 'Assessed' by the verifier. However, Member States may want to ensure that the verifier having made the assessment was duly accredited according to the latest regulatory framework at the time of concluding the MP assessment and that this accreditation has not been revoked by the National Accreditation Body (NAB) prior to the MP submission;
- Whether the monitoring plan is complete, following the required template as in Commission Implementing Regulation (EU) 2023/2449 (and as further explained in Guidance Document n°1);
- Whether there is any specific comment to the attention of the administering authority, or relevant for the approval, in the verifier's conclusions – attached with the monitoring plan and accessible through THETIS-MRV unless the Member States requires its submission through other means.

3.2 Considerations for possible detailed checks

When carrying out detailed checks of MPs, administering authorities can consider one or a combination of the following approaches.

- The administering authority may decide to assess a random sample of monitoring plans more thoroughly. The size of the sample would be determined by the administering authority notably based on the number of ships associated to its authority.
- Preferably, a targeted sample of monitoring plans could be selected for more in-depth checks on the basis of a risk-based approach to be determined at national level¹², that could take different elements into account, e.g.:
 - The level of complexity of the ship's monitoring and reporting system (e.g. specific emissions sources or fuel types used / use of actual values for emissions factors / use of CCS technologies onboard / use of direct greenhouse gas emissions measurement / etc.);
 - Whether the ship belongs to a shipping company for which no MPs have yet been checked by the AA before;
 - Whether MPs have been assessed by a verifier but for which no site visits were carried out;
 - The level of emissions in previous emissions reports for previous reporting periods, if any;

¹² The risk-based approach can be continuously adjusted based on previous findings, especially after the initial implementation phase, when AAs have gained sufficient experience in assessing the quality of MPs and the work of verifiers.

- Previous experience with regard to the shipping company's compliance with the EU ETS, the MRV Maritime Regulation or other relevant rules, e.g.:
 - Earlier submissions of MPs were incomplete, of poor quality or submitted after the deadline;
 - Existence of previous misstatements and/or non-conformities (from verifications, inspections and controls performed by relevant authorities during previous reporting periods);
 - o Existence of non-conformities in previous emissions reports for previous reporting periods.
 - Any other indications that the ship has been found before as non-compliant or has a history of serious deficiencies in relation to previous Port-State Control Inspections (see THETIS EU and Equasis tools described below).

A more detailed check of monitoring plans could entail the following analysis:

- Are all emissions sources and fuel types included in the monitoring plan? This check may be particularly relevant e.g. for ships with dual fuel propulsions. For instance, ships that can use methanol as a fuel should also include diesel or biodiesel as pilot fuel.
- Are descriptions of the required procedures appropriate, including by making reference to those existing outside of the monitoring plan? A selection of the procedures could be checked in more detail, e.g.: noon report, data flow activities, control activities, collection of BDNs, calculations of quantity of bunkers onboard, measurements, sampling, analysis, quality assurance and calibration of measuring equipment, internal reviews and validation of data, corrections and corrective action, control of outsourced processes, record keeping.
- Availability/access to and completeness of written procedures, when applicable.
- The completeness and appropriateness of the risk assessment by the company (for instance verifying that it covers fuel types and emission sources relevant for that particular ship).

To perform these checks, administering authorities should request additional documents as deemed appropriate (see examples of relevant documentation in Section 3.3), and consult/request the verifier's internal verification documentation when deemed appropriate. They should also contact the shipping company and/or the verifier in case of doubts/questions and when a follow-up is deemed necessary. Administering authorities may also decide to conduct inspections to the company's headquarter and/or on the ship(s).

3.3 Useful documentation & data sources

3.3.1 Relevant certificates regarding the ship and its engines

The documentation that an AA could ask the shipping company or the verifier to provide may include the following information:

- The record of equipment under MARPOL Annex VI *International Air Pollution Prevention Certificate* (IAPP) supplement¹³;
- Engine International Air Pollution Prevention Certificate (EIAPP) supplement¹⁴ and respective records and technical files including individual internal combustion engines' (ICEs) certification, as well as Recognised Organisations (ROs) i.e. Classification Societies machinery & components certification required by SOLAS under safety construction and on-board equipment safe operating rules¹⁵ - for all the other relevant emission sources such as oil-fired boilers and inert gas generators;

¹³ IMO Resolution MEPC.328 (76) - 2021 Revised MARPOL Annex VI, Appendix I

¹⁴ IMO Resolution MEPC.177 (58) (as amended) - IMO NOx Technical Code 2008, Appendix I

¹⁵ SOLAS Chapter II-1, Part A-1, Regulation 3-1

- other documentation such as:
 - tanks drawing plan/arrangements;
 - monitoring equipment manuals and calibration certificates;
 - records or description and certificate of IT-tools/software for monitoring and reporting/registering fuel consumption, distance travelled and cargo carried;
 - company and ship(s) International Safety Management Certification¹⁶ (Document of Compliance (DoC) and Safety Management Certificate (SMC) respectively) including associated quality management approved processes/procedures, e.g. safety management manual (SMM).

3.3.2 Other relevant data sources

A non-exhaustive list of data sources that may be useful for cross-checking some relevant information can be found below. However, it is to be noted that, considering the commercial (i.e. non-official) nature of these data, the information may not reflect the actual situation on-board the ship e.g. completeness of the emission sources, monitoring equipment, types of fuels to be used, etc. Hence, consulting such data sources cannot replace information that may be collected through inspections and site visits, as appropriate.

- MARINFO Database (sourced by S&P Global former IHS Markit) managed by the European Maritime Safety Agency (EMSA), would be made available to administering authorities. It includes notably information on companies, owners and ships' design & machinery technical details.
- Global Integrated Shipping Information System (GISIS), managed by the IMO, is a web-based system
 that allows on-line access to the information and data provided to the IMO Secretariat by Maritime
 Administrations, its Member States and Port Authorities, in compliance with IMO's instruments, regulations and guidance. It includes companies, owners and ships' design & machinery technical details
 and certificates. The system is accessible via both accredited (IMO) credential or public account; level
 of information available is dependent on each account label/accessibility rights. See more at:
 https://gisis.imo.org/Public/Default.aspx
- EQUASIS, managed by the European Commission and the French Maritime Administration, is a web-based system that allows on-line access to safety-related information on ships and companies. It includes ship-specific information such as size, type of ship, flag, year of build, status, classification, management details (e.g. ISM company, registered shipowner, manager), insurance, areas where the ship was seen, outcome form port state controls, ship history. The system is publicly accessible via public account. See more at: https://www.equasis.org/EquasisWeb/public/HomePage
- THETIS & THETIS-EU, developed and managed by the European Maritime Safety Agency (EMSA) in cooperation with the EU Member States and the European Commission, is a web-based system that allows on-line access to safety- and environment-related information recorded via different inspection-based regimes such as Port State Control, Sulphur Inspections, MRV, Port-Reception Facilities, etc. It includes companies, owners and ships' design & machinery technical details and certificates. The system is accessible via individual Member States Competent Authorities (i.e. National Administrators of individual regulatory modules). See more at: https://portal.emsa.europa.eu/web/thetis and

https://portal.emsa.europa.eu/web/thetis-eu

¹⁶ SOLAS chapter IX and the ISM Code - IMO Resolution A.741(18) (as amended)

4 ANNEX

4.1 Abbreviations

AAAdministering Authority

BDNBunker Delivery Note

CCSCarbon Capture and Storage

EEA......European Economic Area

EMSA.....European Maritime Safety Agency

EU ETS.. European Union Emissions Trading System

GISISGlobal Integrated Shipping Information System

IMOInternational Maritime Organisation

MPMonitoring Plan

MRV......Monitoring, Reporting and Verification

MSMember State (in context of this guidance, including EU-27 and EEA countries)

NABNational Accreditation Body