

Prevention of pollution from ships: sulphur content of marine fuels

2011/0190(COD) - 27/02/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Statu HASSI (Greens/EFA, FI) on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels.

The committee recommends that the European Parliament's position in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Biofuels: stressing that the use of biofuels is already today technically possible for vessels, Members consider that the Directive clearly allow bio-fuels to be used.

Maximum sulphur content of marine fuels used in SOx Emission Control Areas and by passenger ships operating to or from Union ports:

- Members propose that SECA bordering Member States must be allowed to compensate temporarily through state aid the costs for the enterprises that are under global competition and which are exposed to significant costs related to sulphur regulation. The Commission shall adopt at the latest by the end of 2013 guidance on applicable state aid rules to be followed in this regard.
- The report states that marine fuels should not be used in the areas of their territorial seas, exclusive economic zones and pollution control zones if the sulphur content of those fuels by mass exceeds: (a) **3.50 % as of 1 January 2012**; (b) **0.50 % as from 1 January 2015**; (c) **0.10 % as from 1 January 2020**.
- In the event of non-compliance with these and after examination of all pieces of evidence, authorities exercising Port State Control shall be empowered to detain the ship until the violation has been rectified. On-compliant vessels shall be required to de-bunker and be subject to a penalty for each violation per day.
- **By way of derogation**, where conformity with the limit values result in a **significant negative social impact on local communities living on islands** in the outermost regions of the Union and on the whole or part of the territory of Greece, the Member States concerned may postpone by a maximum of five years the deadlines referred to in that paragraph with regard to a limited number of passenger ships operating on regular services on routes between Union ports, provided that the relevant air quality standards are respected.
- Furthermore, Member States shall take all necessary measures to ensure that marine fuels are not used in their territorial seas and pollution control zones falling outside SOx Emission Control Areas by any ships to or from any Union port if the sulphur content of those fuels by mass **exceeds 0.10 % as from 1 January 2015**. This shall apply to all vessels of all flags, including vessels whose journey began outside the Union.

Maximum sulphur content of marine fuels used by ships on inland waterways, and by any ships at berth in Union ports: the report notes that under the current regime, different sulphur limit values apply to ocean-going ships and inland vessels, even though they sail in the same estuary. Members propose to

remedy this and **align the sulphur content of marine fuels** used by ships on inland waterways, in the territorial seas of the Union or by any ships at berth in Union ports with the values contained in Directive 98/70/EC **from 1 January 2015**.

Availability of marine fuels: Member States shall take the necessary measures to ensure the availability and balanced distribution of marine fuels where the sulphur content does not exceed 0,10% as from 1 January 2015.

Equivalents: the Administration of a Member State may allow any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel oil or compliance method used as an alternative to that required by this Directive if such fitting, or other procedure, alternative fuel oil or compliance method is at least as effective in terms of emissions reductions as that required by the Directive.

Use of new technologies for emission reduction: the proposal provides that ships using the emission abatement methods shall continuously achieve reductions of sulphur dioxide emissions that are at least equivalent to the reductions that would be achieved by using marine fuels that meet the requirements of the directive. Members propose to delete the word "**continuously**" so as to ensure that scrubbers which may temporarily fall out of compliance are still permitted under the Directive. The deletion would also allow for the use of other compliance methods such as averaging.

Member States shall, as an alternative solution for reducing emissions, encourage the use of onshore power supply systems by docked vessels.

Members also state that port authorities must include in the harbour fee or other charges any costs of reception, handling and disposal of effluents from exhaust gas cleaning systems in accordance with Directive 2000/59/EC, irrespective of whether or not wastes are delivered.

Fuel oil availability: the report inserts a new provision stating that if a ship is found by a Member State not to be in compliance with the standards for compliant fuel oils set out in the Directive, the competent authority of the Member State may require the ship to: (a) present a record of the actions taken to attempt to achieve compliance; and (b) provide evidence that it attempted to purchase compliant fuel oil in accordance with its voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.

Reports and review: the Commission shall, by 31 December 2013, submit a report which shall be accompanied, if appropriate, by legislative proposals. The Commission shall consider in its report:

- potential impacts on the internal market, in particular regarding competitiveness, from the application of different emissions standards in the Union ;
- the designation of additional SOx and NOx Emission Control Areas;
- quality standards for marine fuel oils along the lines of those applicable to Directive 98/70/EC;
- additional or alternative complementary measures to further reduce emissions from ships.'

The Commission shall also carry out an impact assessment of this Directive and by the end of 2012 propose a set of compensatory measures to diminish the negative impacts on shipping industries throughout the Union.