

Prevention of pollution from ships: sulphur content of marine fuels

2011/0190(COD) - 21/11/2012 - Final act

PURPOSE: to amend Directive 1999/32/EC as regards the sulphur content of marine fuels with a view to reducing air pollution and improve human health and the environment.

LEGISLATIVE ACT: Directive 2012/33/EU of the European Parliament and of the Council amending Council Directive 199/32/EC as regards the sulphur content of marine fuels.

CONTENT: following an agreement at first reading with the European Parliament, the Council adopted a Directive amending Directive 1999/32/EC as regards the sulphur content of marine fuels.

Emissions from shipping due to the combustion of marine fuels with a high sulphur content contribute to air pollution in the form of sulphur dioxide and particulate matter, which harm human health and the environment and contribute to acid deposition. This Directive therefore seeks to amend Directive 1999/32/EC in order to substantially reduce these emissions by making the **most recent International Maritime Organisation (IMO) rules with respect to marine fuels binding in the EU**.

The main changes introduced by the Directive are as follows:

Maximum sulphur content: in order to ensure coherence with international law as well as to secure proper enforcement of new globally established sulphur standards in the Union, **Directive 1999/32/EC is aligned with the revised Annex VI to MARPOL**. In accordance with this revised annex:

- the maximum sulphur content of marine fuels used in SOx Emission Control Areas is set at: (i) **1% until 31 December 2014** and (ii) **0.1% as from 1 January 2015**;
- the maximum sulphur content of marine fuels used in maritime areas not in SOx Emission Control Areas is set at: (i) **3.5% as from 18 June 2014** and (ii) **0.5% as from 1 January 2020**.

Member States shall:

- ensure that marine fuels are not used within their territory if their sulphur content **exceeds 3.5 % by mass**, except for fuels supplied to ships using emission abatement methods operating in closed mode;
- ensure that **gas oils** are not used within their territory if their sulphur content **exceeds 0.1% by mass** ;
- take all necessary measures to ensure that marine fuels are not used in their territorial seas, exclusive economic zones and pollution control zones falling outside SOx Emission Control Areas by **passenger ships** operating on regular services to or from any Union port if the sulphur content of those fuels **exceeds 1.5 % by mass until 1 January 2020**.

Member States shall endeavour to ensure the **availability of marine fuels** which comply with this Directive and inform the Commission of the availability of such marine fuels in its ports and terminals.

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

Financial measures: Member States may adopt financial measures in favour of **operators affected** by this Directive where such financial measures are in accordance with State aid rules applicable and to be adopted in this area.

Member States may, in cooperation with other Member States, as appropriate, **approve trials of ship emission abatement methods** on vessels flying their flag, or in sea areas within their jurisdiction.

Penalties: Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties determined must be effective, proportionate and dissuasive and may include fines calculated in such a way as to ensure that the fines at least deprive those responsible of the economic benefits derived from their infringement and that those fines gradually increase for repeated infringements.

Report and monitoring: by 31 December 2013 the Commission shall submit a report to the European Parliament and to the Council which shall be accompanied, if appropriate, by legislative proposals. The Commission shall consider in its report the potential for reducing air pollution taking into account, *inter alia*: annual reports; observed air quality and acidification; fuel costs; potential economic impact and observed modal shift; and progress in reducing emissions from ships.

ENTRY INTO FORCE: 17/12/2012.

TRANSPOSITION: no later than 18/06/2014.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts to amend the provisions of Directive 1999/32/EC to scientific and technical progress and in such a way as to ensure strict consistency with the relevant instruments of the IMO. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years** from 17 December 2012 (a period that may be tacitly extended for periods of an identical duration, unless Parliament or the Council objects). A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three months** of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council. If the European Parliament or the Council objects, the delegated act does not enter into force.