

Reduction in the sulphur content of certain liquid fuels. Codification

2014/0216(COD) - 28/06/2017 - Follow-up document

The Commission presents a report on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive 2016/802/EU of the European Parliament and of the Council relating to a reduction in the sulphur content of certain liquid fuels.

To recall, the Directive empowers the Commission to adopt delegated acts to adapt certain Articles and Annexes to scientific and technical progress, not least, to ensure consistency with the relevant instruments adopted by the International Maritime Organisation (IMO) and, as appropriate, with other EU or international standards.

The power to adopt such delegated acts is conferred on the Commission for a period of five years from 17 December 2012 (which may be tacitly extended for an identical period).

This report discharges the Commission's obligation to prepare a report in respect of the delegation of power, at the latest 9 months before the end of the five-year period.

Exercise of the delegation: over the last five years, **the Commission has not exercised the delegated powers** conferred to it under Directive 2016/802/EU.

This is due to the fact that there have been **no significant developments** in the area of fuel specifications and sulphur in fuel verification standards or emission abatement methods that require the Commission to use the delegated powers conferred by the Directive.

However, the entry into force on 1 January 2020, by virtue of the Directive, of the stricter 0.50% sulphur in fuel requirement for ships sailing in EU waters outside the Sulphur Emission Control Areas (SOx-ECAs) as well as globally, means that new marine fuels and emission abatement methods may enter the EU market to ensure compliance with the stricter requirement.

Both developments would likely require the Commission to use its delegated powers to ensure the Directive is adapted to scientific and technical progress, and consistent with standards adopted by the IMO.