

Sustainable maritime fuels (FuelEU Maritime Initiative)

2021/0210(COD) - 11/07/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 555 votes to 48, with 25 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter and objective

This Regulation lays down uniform rules imposing: (a) a limit on the greenhouse gas (GHG) intensity of energy used on board by a ship arriving at, staying within or departing from ports under the jurisdiction of a Member State; and (b) an obligation to use **on-shore power supply (OPS)** or zero-emission technology in ports under the jurisdiction of a Member State.

Its objective in doing so is to increase consistent use of renewable and low-carbon fuels and substitute sources of energy in maritime transport across the Union, in line with the objective of reaching Union-wide climate neutrality at the latest by 2050, while ensuring the smooth operation of maritime transport, creating regulatory certainty for the uptake of renewable and low-carbon fuels and sustainable technologies and avoiding distortions in the internal market.

GHG intensity limit on energy used on board by a ship

The amended text stipulates that ships must gradually reduce their greenhouse gas (GHG) emissions by reducing the amount of GHGs in the energy they use by:

- 2% from 1 January 2025;
- 6% from 1 January 2030;
- 14.5% from 1 January 2035;
- 31% from 1 January 2040;
- 62% from 1 January 2045;
- **80% from 1 January 2050.**

This will apply to ships with a **gross tonnage of more than 5 000 tonnes**, as well as all energy used on board or between EU ports, and 50% of the energy used during voyages when the port of departure or arrival is outside the EU, or in the outermost regions of the EU.

Member States may **exempt** specific routes and ports from the application of the Regulation in respect of the energy used on voyages performed by passenger ships other than cruise passenger ships between a port of call under the jurisdiction of a Member State and a port of call under the jurisdiction of the same Member State located in an island with fewer than 200 000 permanent residents, and in respect of the

energy used during their stay within a port of call of that island. No such exemptions should apply beyond 31 December 2029.

Use of Renewable Fuels of Non-Biological Origin (RFNBO)

For the calculation of the GHG intensity of the energy used on board by a ship, from 1 January 2025 to 31 December 2033 a multiplier of “2” can be used to reward the ship for the use of RFNBO.

The Commission should monitor, calculate and annually publish at the latest 18 months after the end of each reporting period, the share of RFNBO in the yearly energy used on board by ships falling under the scope of this Regulation.

The new rules set a **2% renewable fuels usage target as of 2034** if the Commission reports that in 2031 renewable fuels of non-biological origin (RFNBO) amount to less than 1% of fuel mix.

If monitoring and the Commission's assessment show conclusively that the production capacity and availability of RFNBO for the maritime sector are insufficient, that the geographical distribution of these fuels is uneven or that the price of these fuels is too high, the 2% sub-target should not apply.

On-shore power supply

In order to significantly reduce air pollution in ports, containerships and passenger ships will be obliged to use on-shore power supply for all electricity needs while moored at the quayside in major EU ports as of 2030.

Different OPS projects and solutions have been tested for ships at anchorage, but there is currently no mature and scalable technical solution available. For that reason, the obligation to use OPS should be, in principle, limited to ships moored at the quayside. Nevertheless, the Commission should regularly reassess the situation, with a view to extending that obligation to ships at anchorage, when the necessary technologies are sufficiently mature. In the meantime, Member States should be allowed to impose, in certain cases, the obligation to use OPS on ships at anchorage, for example in ports that are already equipped with such technology or are located in areas where any pollution should be avoided.

Exceptions from the obligation to use OPS should also be provided for a number of objective reasons, subject to verification by the competent authority of the Member State of the port of call or any duly authorised entity, after consulting relevant entities where appropriate.

Such exceptions should be limited to unscheduled port calls, which are not made on a systematic basis, for reasons of safety or saving life at sea, to short stays of ships moored at the quayside of less than two hours as this is the minimum time required for connection, to cases of unavailability or incompatibility of OPS, to the use of onboard energy generation under emergency situations and to maintenance and functional tests.

Certification and penalties

A robust certification and monitoring of fuels is essential to achieve the objectives of this Regulation and guarantee the environmental integrity of the renewable and low-carbon fuels that are expected to be deployed in the maritime sector.

Verification activities are carried out by verifiers. Verifiers should be equipped with means and staff commensurate with the size of the fleet for which they perform verification activities under this Regulation. Verification should ensure the accuracy and completeness of the monitoring and reporting by companies and the compliance with this Regulation.

A **document of compliance** (the FuelEU document of compliance) issued by a verifier or, where applicable, the competent authority of the administering State should be held by ships as evidence of compliance with the limits on the GHG intensity of the energy used on board by a ship and with the obligation to use on-shore power supply. Verifiers should record in the **FuelEU database** the issuance of the FuelEU document of compliance.

A **FuelEU penalty** should be imposed also for each non-compliant port call. That FuelEU penalty should be proportionate to the cost of using the electricity at sufficient level, should have a dissuasive effect as regards the use of more polluting energy sources and should be expressed in a fixed amount in EUR, multiplied by the established total electrical power demand of the ship at berth and by the total number of hours, rounded up to the nearest whole hour, spent at berth in noncompliance with on-shore power supply requirements.