

# Sulphur content of marine fuels

2002/0259(COD) - 09/12/2004 - Council position

The common position was adopted by a qualified majority with the Cypriot and Italian delegation voting against and the Swedish delegation abstaining.

In the Council's view, the common position constitutes a balanced compromise where : - there is a coherent set of dates for entry into force of the Directive's provisions, taking into account the now imminent entering into force of MARPOL Annex VI (in May 2005); - no derogations laid down in conflict with the entering into force of MARPOL Annex VI and the establishment of SOxECAs; - the technical and practical problems of the new requirements for ships at berth are taken into consideration in a reasonable manner, including the specific temporary derogation asked by Greece for some Ro/Ro ferries.

In its amended proposal, the Commission accepted in full, in part or in principle 30 of the 36 amendments proposed by the European Parliament in its first reading. 21 amendments have now been incorporated, either verbatim or in spirit, in the common position.

The Council has now agreed to incorporate most of the Parliamentary amendments which offered clarifications, and which proposed trials for exhaust gas cleaning. On implementation dates there has been an important development since the Parliament's first reading: the International Maritime Organization's air pollution convention, MARPOL Annex VI, has received enough ratifications to enter into force. The implementation dates in the Common Position have therefore been rescheduled to correspond with the implementation dates in MARPOL Annex VI. With regard to second phase limits, the Council has agreed to include more specific text in the review clause (Article 7), proposing to press for tighter limits at the IMO in the context of a revision of MARPOL Annex VI, and also proposing to bring forward the Commission's report on economic instruments as a possible complementary measure.

The Council also brought additional changes to the proposal, these are as follows :

- four new exemptions have been introduced for fuels used by ships which are: involved in military activities, securing the safety of life at sea, damaged, or using approved abatement technologies.

In Article 1(2), a number of new definitions are added, for MARPOL, Annex VI, warships, "placing on the market", "outermost regions", and "abatement technology";

- the repeal of the existing marine gas oil provisions is delayed until 2010 (including the derogation for Greece and the outermost regions which will remain until then);

- the Article on SOxECAs and passenger ships, Member States' enforcement responsibilities are clarified, the provision requiring Member States to ensure the availability of compliant fuel is deleted, and application dates are generally altered to be in line with MARPOL Annex VI, or 12 months after entry into force of the directive, whichever is later;

- the low sulphur fuel requirement for ships at berth and inland vessels is delayed until 1 January 2010. For ships at berth, flexibility is introduced "allowing sufficient time" for fuel switching, short-stay vessels are exempted, and a two-year derogation is allowed for 16 Greek passenger vessels. Inland waterway vessels are exempted while at sea;

- much fuller text is included on the trials and use of new abatement technologies, including revised comitology procedures for their approval;

- the Article on sampling and analysis is slightly shortened and the drafting is clarified;
- the Commission report is brought forward to 2008, and its basis is revised to include trends in fuel costs, modal shift, progress at IMO and a new cost-benefit analysis of the passenger vessel provision. It may be accompanied by proposals for second stage sulphur limit values. A separate report on economic instruments is called for by 2005. The scope of the comitology procedure is limited;
- the Article establishing the regulatory committee is slightly redrafted.