

Basic information	
2002/0259(COD)	Procedure completed
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	
Sulphur content of marine fuels	
Amending Directive 1999/32/EC 1997/0105(SYN)	
Subject	
3.60.02 Oil industry, motor fuels 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety	HASSI Satu (Verts/ALE)	10/01/2005
	Former committee responsible	Former rapporteur	Appointed
	ENVI Environment, Public Health, Consumer Policy	DE ROO Alexander (V/ALE)	09/12/2002
	Former committee for opinion	Former rapporteur for opinion	Appointed
	ITRE Industry, External Trade, Research, Energy	LANGE Bernd (PSE)	23/01/2003
	RETT Regional Policy, Transport and Tourism	BAKOPoulos Emmanouil (GUE/NGL)	21/01/2003
Council of the European Union	Council configuration	Meetings	Date
	Transport, Telecommunications and Energy	2629	2004-12-09
	Environment	2593	2004-06-28
	Education, Youth, Culture and Sport	2661	2005-05-23
European Commission	Commission DG	Commissioner	
	Environment		

Key events			
Date	Event	Reference	Summary
20/11/2002	Legislative proposal published	COM(2002)0595 	Summary
04/12/2002	Committee referral announced in Parliament, 1st reading		
29/04/2003	Vote in committee, 1st reading		
29/04/2003	Committee report tabled for plenary, 1st reading	A5-0151/2003	
03/06/2003	Debate in Parliament		
04/06/2003	Decision by Parliament, 1st reading	T5-0248/2003	Summary
01/08/2003	Modified legislative proposal published	COM(2003)0476 	Summary
09/12/2004	Council position published	12891/2/2004	Summary
16/12/2004	Committee referral announced in Parliament, 2nd reading		
15/03/2005	Vote in committee, 2nd reading		Summary
18/03/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0056/2005	
12/04/2005	Debate in Parliament		
13/04/2005	Decision by Parliament, 2nd reading	T6-0124/2005	Summary
13/04/2005	Results of vote in Parliament		
23/05/2005	Act approved by Council, 2nd reading		
06/07/2005	Final act signed		
06/07/2005	End of procedure in Parliament		
22/07/2005	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0259(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 1999/32/EC 1997/0105(SYN)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/25519

Documentation gateway				
European Parliament				

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0151/2003	29/04/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0248/2003 OJ C 068 18.03.2004, p. 0150-0311 E	04/06/2003	Summary
Committee recommendation tabled for plenary, 2nd reading		A6-0056/2005	18/03/2005	
Text adopted by Parliament, 2nd reading		T6-0124/2005 OJ C 033 09.02.2006, p. 0325-0468 E	13/04/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15023/2004	26/11/2004	
Council position	12891/2/2004 OJ C 063 15.03.2005, p. 0026-0038 E	09/12/2004	Summary
Draft final act	03619/2005	06/07/2005	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0595 	20/11/2002	Summary
Modified legislative proposal	COM(2003)0476 	01/08/2003	Summary
Commission communication on Council's position	COM(2004)0801 	10/12/2004	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2005)0212 	17/05/2005	Summary
Commission response to text adopted in plenary	SP(2005)2124	19/05/2005	
Follow-up document	COM(2011)0441 	15/07/2011	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0580/2003 OJ C 208 03.09.2003, p. 0027-0029	14/05/2003	

Additional information

Source	Document	Date

Final act

Directive 2005/0033
OJ L 191 22.07.2005, p. 0059-0069

[Summary](#)

Sulphur content of marine fuels

2002/0259(COD) - 06/07/2005 - Final act

PURPOSE : to reduce the sulphur content of marine fuel, thereby reducing the impact of ships' emissions of sulphur dioxide (SO_x) and particulate matter on acidification and human health.

LEGISLATIVE ACT : Directive 2005/33/EC of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels.

CONTENT : the Council adopted, by qualified majority, a Directive limiting the sulphur content of liquid fuels used on board seagoing vessels.

The main purpose of the Directive is to extend the scope of Directive 1999/32/EC, which lays down the maximum permitted sulphur content of heavy fuel oil, gas oil and marine gas oil used in the Community, to all petroleum-derived liquid fuels used on board ships operating in Member States' waters. The new provisions should lead to a substantial reduction in sulphur dioxide emissions (over 500 000 tonnes per year), to the benefit of highly populated ports and coastlines and acid-sensitive ecosystems.

Among other things, the Directive will:

- remove existing derogations relating to marine gas oil;
- give effect to the 1,5% sulphur limit applying within SO_x emission control areas agreed through the International Maritime Organization;
- apply the same limit to all passenger ships operating on regular services to or from Community ports;
- require ships at berth in Community ports to use fuel containing no more than 0,1% sulphur;
- provide for the use of approved abatement technologies as an alternative to low-sulphur fuel.

The Directive also takes account of the new rules laid down by the MARPOL Convention regarding

the prevention of air pollution from ships, which entered into force in May 2005.

ENTRY INTO FORCE : 11/08/2005.

DATE OF TRANPOSITION : 11/08/2006.

Sulphur content of marine fuels

2002/0259(COD) - 17/05/2005 - Commission opinion on Parliament's position at 2nd reading

The 13 amendments adopted by the Parliament were all part of a compromise package agreed with the Council. They do not change the fuel sulphur limits agreed in the Common Position. The Commission can accept all of the amendments in full.

The Commission accepts the following amendments concerning recitals on: minor rewording of the environmental and health justifications for directive; deletion of unnecessary text in relation to national emissions ceilings; calling for more efforts to be made to find international solutions; indicating the directive is the first step in an ongoing process and strengthening existing text on the availability of low sulphur fuel.

With regard to the substantive provisions, the Commission accepts the following amendments:

- clarifying the entry into force date for the North Sea SO_x Emission Control Area;
- reflecting International Maritime Organization (IMO) requirements to help ensure the availability of compliant fuel;
- exempting ships which use shore-side electricity from the 0.1% fuel sulphur limit at berth;
- requiring continuous emissions reductions and monitoring for ships using exhaust gas cleaning as an alternative means of compliance;

- requiring the Commission review in 2008 to consider proposals to designate new IMO SOx Emission Control Areas in EU seas, and to reduce the sulphur limit in these areas down to a possible 0.5%, taking into account technological developments and a cost-effectiveness analysis; and
- stating that with its review, the Commission may consider submitting proposals on economic instruments as alternative or complementary measures.

Sulphur content of marine fuels

2002/0259(COD) - 04/06/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution by 498 in favour, 1 against and 10 abstentions approving a directive on the sulphur content of marine fuels with a relatively large number of amendments. The resolution was based on the draft by Alexander de ROO (Greens/EFA, NL.) The main amendments are as follows: - in the first phase Member States bordering SOx Emission Control Areas must ensure that marine fuels are not used in the areas of their territorial seas, exclusive economic zones and pollution control zones falling within SOx Emission Control Areas if the sulphur content of those fuels exceeds 1.5% by mass. This applies to all vessels of all flags, including vessels whose journey outside the Community, from 6 months after the entry into force of the Directive; - in the second phase Member States bordering SOx Emission Control Areas must ensure that from 31 December 2008 marine fuels are not used in the areas of their territorial seas, exclusive economic zones and pollution control zones falling within SOx Emission Control Areas if the sulphur content of those fuels exceeds 0.5% by mass. This applies to all vessels of all flags; - Member States must ensure that from 31 December 2008, passenger ships operating on regular services to or from any Community port do not use marine fuels if the sulphur content of those fuels exceeds 0.5% by mass. This applies to vessels of all flags; - Member States must ensure that from 31 December 2010, marine fuels are not used in the areas of their territorial seas and exclusive economic zones outside SOx Emission Control Areas if the sulphur content of those fuels exceeds 1.5% by mass. This applies to all vessels of all flags, including vessels whose journey began outside the Community; - from 31 December 2012 marine fuels must not be used in Member States' territorial seas and exclusive economic zones outside SOx Emission Control Areas if the sulphur content of those fuels exceeds 0.5% by mass. This applies to all vessels of all flags, including vessels whose journey began outside the Community. - Member States must ensure that from 31 December 2008 marine fuels containing no more than 0.5% sulphur by mass are made available in sufficient quantities to meet demand in all Community ports; - there are new provisions for pilot trials for new abatement technologies; - sulphur sampling will begin from the date on which the relevant limits come into force. As a minimum, 50% of the samples taken will be inspected; - Member States must lay down effective penalties applicable to infringements of the monitoring and sampling provisions; - on the basis of the results of pilot trials and other studies carried out, the Commission will, not later than 31 December 2007, submit a report to the European Parliament and to the Council with proposals to revise this Directive. This may include proposals for economic instruments - including mechanisms such as differentiated dues and kilometre charges, tradable emission permits and offsetting.

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.

Sulphur content of marine fuels

2002/0259(COD) - 15/07/2011 - Follow-up document

The Commission presents a Communication reviewing the implementation of Directive 1999/32/EC related to the sulphur content of certain liquid fuels and on further pollutant emission reduction from maritime transport. It reports on progress made at the International Maritime Organization (IMO) since 2005 to reduce emissions of air pollutants, as well as on follow-up actions at the EU-level as proposed by the Commission, on the basis of the experience gained with the implementation of the Directive since 2005 as called for by Parliament and Council. It discusses the rationale to align the relevant EU legislation with the latest IMO rules, the 2008 amendment to MARPOL Annex VI setting new standards for lower sulphur fuels globally, but also more stringent limits in the established SOx Emission Control Areas. Furthermore, it presents a set of accompanying measures to promote and facilitate compliance. These measures include equivalent methods, allowing the shipping industry to achieve compliance in a technology-neutral manner.

Progress at the IMO on air pollution: it is recalled that pollution from maritime transport is regulated by Annex VI of the Convention for the Prevention of Marine Pollution from Ships (MARPOL 73/78) governed by the International Maritime Organization (IMO). Until 2008, the Convention allowed the use of marine fuels with a sulphur content of up to 4.5% in all sea areas with the exception of specified sulphur emission control areas (SECAs) where the maximum sulphur content was restricted to 1.5%. Following international calls for further action the IMO concluded a significant revision of the MARPOL Annex VI at the end of 2008, and prescribed a stepwise reduction of the sulphur content of fuels used in all seas to 0.50% as of 2020 and to 0.10% in SECAs as of January 2015.

The new provisions agreed in 2008 were a major step forward and emissions of SO₂ from maritime transport are expected to decrease by more than 90% in SECAs and by more than 75% in other sea areas bordering the EU. Emissions of particulate matter (PM2.5) are predicted to decrease by more than 60% and 75% in SECAs and other sea areas respectively. The associated benefits of the 2008 MARPOL agreement are estimated to range at least between EUR 15 to EUR 34 billion per annum in 2020 due to improved health and reduced mortality in the EU. The costs of implementing the revision range from EUR 2.6 to EUR 11 billion.

Revision of Directive 1999/32/EC: following the IMO MARPOL Annex VI amendment agreed at the end of 2008, there are significant discrepancies in the Directive that need to be addressed, and a full alignment of the Directive with the new IMO provisions related to the sulphur content of fuels is proposed.

This includes the **incorporation of the stricter sulphur standards applying in SECAs and other sea areas** and the adaptation of EU rules to the IMO provisions on alternative compliance methods. Such alternative or equivalent measures will allow operators to choose the most appropriate solution, including the use of exhaust gas cleaning systems or alternative fuels such as LNG, provided they deliver the same emission reduction benefits compared to low-sulphur marine fuels. It will also boost innovation in green technologies as advocated by the EU 2020 strategy whilst enabling ship operators to reduce compliance costs by up to 90%

In addition, certain targeted adjustments to the EU monitoring and enforcement regimes are proposed given the increased risks for circumventing the tightened international rules on the sulphur content of fuels. Harmonised and strengthened EU monitoring and enforcement actions will help deliver important health and environmental benefits as well as contribute to the establishment of level playing field and fair competition internationally.

Furthermore, and based on the outcome of the impact assessment, the Commission proposes to maintain stricter standards for passenger ships operating outside SECAs to maintain the link between the stricter fuel standards in SECAs (now requiring maximum sulphur content of marine fuel of 1.5% and from 2015 - 0.1%) and those applying for passenger ships on a regular service outside SECAs (at the moment 1.5%). The introduction of the stricter fuel standard for passenger ships would be delayed by 5 years in comparison with SECAs in order to avoid potential problems with fuel availability.

Accompanying measures: making use of the additional technology-based compliance provided by the revised Annex VI of MARPOL, and subsequently by the revised Directive, such as scrubbers, alternative fuels (LNG) and shore side electricity, would require capital investments by the private as well as public sector. Such investments may need to be incentivised notably when a wider set of sustainable shipping objectives going beyond compliance with Marpol Annex VI are being pursued. A number of short-term accompanying measures were identified to assist the sector:

- the TEN-T Programme will continue to support projects of wider benefits e.g. addressing environmental issues, such as implementation projects, studies and pilot actions introducing new technologies, innovative infrastructure, and facilities supporting the deployment of LNG;

- under the Marco Polo II Programme, priority is given to projects aiming at the implementation and use of innovative technologies or operational practices that significantly reduce air emissions from ships, such as the use of low sulphur fuels, alternative fuels like LNG, and abatement technologies;
- investments targeting research, development, and innovation to reduce emissions from ships and to promote energy efficiency could be financed through the European Clean Transport Facility (ECTF), a European Investment Bank (EIB) dedicated lending programme;
- the use of Member States' funds could also be envisaged to support measures such as retro-fitting air pollution control devices or marine engines on vessels ahead of the entry into force of the new standards, or developing onshore infrastructure for the treatment of residues or marine-LNG refuelling stations.

Regarding the formulation of **medium and longer-term accompanying measures**, the Commission is developing a policy approach exploring hard and soft regulatory measures, green ship technology and alternative fuels, adequate green infrastructure, economic and funding instruments, research and innovation, and international cooperation. These measures will be put in place following the adoption of the [White Paper outlining a Roadmap to a Single European Transport Area](#), and the new TEN-T Policy and Guidelines.

Next steps: the Commission has made an initial assessment of additional measures to reduce emissions of SOx, particulate matter, and NOx, for example through extended SECAs and new NOx emission control areas (NECA). These showed promising benefit/cost ratios but the Commission is not in a position to make formal proposals to establish additional emission control areas, which may only be established in EU law once they have been agreed internationally by the IMO following the procedures specified in the MARPOL Convention. Moreover, the Commission does not have the competence to submit proposals to the IMO and so the current Communication and legislative proposal restricts itself to the previously established emissions control areas and the 2008 amendment of Annex VI of the MARPOL Convention. The Commission notes with appreciation, however, that certain Member States are in the process of requesting the designation of NECA, and it will work closely with those and other Member States, as part of the ongoing review of the [EU Thematic Strategy on Air Pollution](#) due in 2013.

Sulphur content of marine fuels

2002/0259(COD) - 10/12/2004 - Commission communication on Council's position

The changes introduced by the Council help to clarify the proposal and to bring its implementation into line with the IMO convention MARPOL Annex VI. They also promote the development of alternative technologies and economic instruments, and the consideration of tighter second phase limits at IMO and in the EU. The Commission therefore supports the Common Position adopted by qualified majority.

Sulphur content of marine fuels

2002/0259(COD) - 01/08/2003 - Modified legislative proposal

The amendments accepted by the Commission concern: - new and amended recitals which help clarify and justify the objectives of the directive; - the introduction of a new recital requiring consideration of the special characteristics of outermost regions (French overseas departments, Azores, Madeira and the Canaries) - the exemption of these regions from having to ban the sale of high sulphur diesel oil provided local air quality standards are met; - the deletion of certain paragraphs from the existing directive, removing the possibility for Member States to apply for a derogation from the sulphur limit for inland gas oil; - bringing forward a number of the directive's provisions, to be implemented 6 months after entry into force; this also adds text requiring bunker delivery notes to be signed by a representative of the receiving ship. - bringing forward the deadline for transposition of the directive from 12 months to 6 months. - changing the title of the article on "Sampling and Analysis" to become "Monitoring & Penalties". Another amendment requires fuel oil samples to be taken while being delivered for use on board ships. In addition, another amendment is adopted which requires Member States to lay down rules on effective penalties which are proportionate and dissuasive; - correcting an oversight, adding the word "oil" after "heavy fuel"; - clarifying the definition of ships at berth; - introducing a new recital stating that ship emissions contribute to global warming, ozone formation and eutrophication. Some of the amendments seek to strengthen the proposal considerably - principally through tighter fuel sulphur limits in a second phase. The Commission believes it is premature to define tighter limits at this stage, so these amendments are not acceptable. Other amendments introduce new text on the development of abatement technology and economic instruments as an alternative or complement to regulation on fuel sulphur content. These amendments are acceptable in principle.

Sulphur content of marine fuels

2002/0259(COD) - 13/04/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution based on the report by Satu HASSI (Greens/EFA, FI) and agreed on the text of compromise amendments reached in informal negotiations with the Council. The final outcome is, however, less ambitious than that envisaged in the environment committee.

The directive aims to reduce the sulphur content in marine fuels to 1.5% by 2007 (2 years after the entry into force of the directive). It will apply to all vessels in the Baltic, the North Sea and the English Channel, and passenger ships in all EU waters. The figure must be reduced to 0.5% in port areas where ships will be required to switch off all engines and use shore-side electricity while at berth in ports. A new recital states that human beings and the natural environment in coastal areas and in the vicinity of ports are particularly affected by pollution from ships with high sulphur fuels. Specific measures are therefore required in this regard.

Whilst the environment Committee had hoped to fix a second phase for new limits to come in by 2010, following negotiations with Council, a revision clause has been introduced. The compromise text states that the Commission should draw up a report by 2008, and that, in the light of progress made, and following a cost-benefit analysis, it "will closely examine the proposals to reduce, if possible, the limits to 0.5%" in zones under the auspices of the

International Maritime Organisation (IMO). A new limit value, less than 0.5%, could then be considered. The Commission may consider submitting proposals on economic instruments as alternative or complementary measures in the context of the 2008 review, provided that environmental and health benefits can be clearly demonstrated.

A new recital states that the Directive should be seen as the first step in an ongoing process to reduce marine emissions, offering perspectives for further emission reductions through lower fuel sulphur limits and abatement technologies, and for economic instruments to be developed as an incentive to achieve significant reductions.

Sulphur content of marine fuels

2002/0259(COD) - 20/11/2002 - Legislative proposal

PURPOSE: to present a proposal for a Directive amending Directive 1999/32/EC as regards the sulphur content of marine fuels. **CONTENT:** shipping is an international industry, and air pollutant emissions are a transboundary problem, so in this respect Community legislation can be more effective than national or local measures. Ship SO₂ emissions contribute to the exceedance of critical loads for acidification, which is damaging ecosystems in northern Europe, and to the formation of particulate matter, which can damage human health throughout the European Union. Seagoing ships are now one of the biggest sources of SO₂ emissions in the EU, and reducing their emissions is now more cost-effective than abating emissions in other sectors. For these reasons, explained in more detail in the Explanatory Memorandum to this proposal, the Commission believes that Community legislation in this area is necessary. This proposal aims to reduce ships' emissions of sulphur dioxide and particulate matter by modifying Council Directive 1999/32 on the sulphur content of marine fuels. In particular, the proposal aims to: - introduce a 1.5% sulphur limit for marine fuels used by all seagoing vessels in the North Sea, English Channel and Baltic Sea, in line with MARPOL Annex VI sulphur limits, in order to reduce the effect of ship emissions on acidification in Northern Europe and on air quality; - introduce a 1.5% sulphur limit for marine fuels used by passenger vessels on regular services to or from any Community port, in order to improve air quality around ports and coasts, and create sufficient demand to ensure an EU-wide supply of low sulphur fuel; - amend existing sulphur provisions for marine gas oils used by seagoing and inland vessels, in order to improve local air quality in ports and on inland waterways. These marine fuels amendments are the main substantive elements of this proposal. Moreover, two other elements are proposed: - consequential amendments to the inland heavy fuel provisions arising from Directive 2001/80/EC relating to large combustion plants, and - the creation of a Regulatory Committee to agree future technical amendments which do not require political co-decision.