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Committee on Transport and Tourism

2011/0190(COD)

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OPINION

of the Committee on Transport and Tourism

for the Committee on Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels (COM(2011)0439 – C7-0199/2011 – 2011/0190(COD))

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SHORT JUSTIFICATION

In 2008 the International Maritime Organisation (IMO) agreed new maximum values for the sulphur content of marine fuel. For Sulphur Emission Control Areas (SECAs), the maximum was reduced from 1.5% to 1% from 1 July 2010 and 0.1% from 1 January 2015. In the EU, the Baltic Sea, North Sea and English Channel are SECAs.

The limit for other sea areas will come down from 4.5% to 3.5% as of 1 January 2012 and 0.5% as of 1 January 2020. The start of the 0.5% limit could be delayed by five years if a review scheduled for 2018 found that there was an imbalance between the supply and demand of suitable fuels.

Passenger ships on regular service currently need to meet the SECA limits whether or not they are travelling in these areas. The Commission proposes that these ships would be subject to the 0.1% limit from 2020. The five year delay relative to SECAs is to avoid potential problems with fuel availability.

International Obligations

It seems clear that, EU Member States having supported the tightening of IMO limits and the designation of the three European SECAs, Union legislation needs to be aligned with its international obligations. Failing to do so would not only create legal uncertainty but would weaken Union negotiators' credibility, both in the IMO and in other international fora, when seeking to persuade third countries to adopt and implement international standards.

Health Benefits

In addition, the lower sulphur limits should lead to significant improvements in European citizens' health. The cost-benefit analysis undertaken for the Commission suggests that a 0.1% limit in the SECAs would avoid more than 17 000 premature deaths per year in 2020. There would also be substantial reductions in respiratory illnesses.

As passenger ships on regular service are normally travelling close to the coasts, applying the 0.1% limit would have a significant impact on air quality in coastal regions and therefore seems justified.

Indeed, the extent of the health benefits raises the question of whether the lower sulphur limit should not apply to other European seas.

Fair Competition

Extending the geographical scope of the 0.1% limit would also address concerns about different limits applying in different European coastal waters. It can be argued that this places shipping firms operating in SECAs at a competitive disadvantage both relative to those in other areas and relative to land transport.

The EU could restrict emissions up to a certain distance from the coast without requiring IMO endorsement. However this would risk diverting traffic from European ports to those in North Africa. While the US and Canada have fixed a 200 nautical mile limit, they did seek IMO

designation for this.

Member States and the Commission should therefore seek to promote the designation of other European sea basins as SECAs by the IMO.

Maintaining Sea Transport's Competitiveness

Parliament has consistently supported the objective of encouraging sea transport in view of its reduced environmental impact. If lower sulphur limits were to cause goods currently being transported by sea to be moved on trucks (so-called “modal back shift”), this would be very undesirable in terms of environmental damage (particularly in terms of greenhouse gases) and increased congestion.

Different studies have produced widely varying estimates of the likely impact of the new limits on the proportion of goods being transported by sea. However what seems clear is that effect will vary according to the product being shipped and the route. Products with relatively high volume to value ratios (for example wood or metal ores) could be more severely affected than industrial goods. Targeted assistance may therefore be appropriate.

The IMO agreement and the Commission proposal already help to limit the impact on shipping's competitiveness by allowing abatement methods (so-called “scrubbers”) or the mixture of fuel and liquefied natural gas (LNG). This will allow shippers to choose the most economical means of meeting the limits, taking account of the vessel's age and size as well as the routes it is expected to serve.

While ship owners and equipment suppliers differ about the availability and reliability of scrubbers, delaying the introduction of the 0.1% limit would reduce incentives to undertake the necessary research and development. In addition, everyone would wonder whether the new deadline might be postponed once more. This would further undermine the case for investment in this technology.

Those considering using LNG are faced with a chicken and egg situation: ship owners do not want to equip vessels so they can use LNG without an assurance that supplies will be available in sufficient ports while ports are equally reluctant to invest in view of uncertainties about demand. Support from state aid, TEN-T and/or Marco Polo could help to unblock this situation.

A new code for LNG and similar fuels is currently under development at the IMO. It should be introduced in 2014 together with the next revision of the Safety Of Life At Sea convention. Given that LNG is a clean fuel which virtually eliminates sulphur dioxide emissions, Member States should pay particular attention to ensuring that sufficient LNG fuel is available and that safety requirements, including the possibility of refuelling whilst passengers are embarking or disembarking, can be met.

Conclusion

Notwithstanding the challenges the new limits will pose for ship owners, operators and ports, the EU has to fulfil its international obligations and introduce the 0.1% limit from 2015. Given that half the preparation time for this limit has already passed, the key now is for the

Commission to further develop the tool box of accompanying measures and for industry to take advantage of the flexibility offered by the options of low sulphur fuel, scrubbers or LNG.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive - amending act Recital 4

Text proposed by the Commission

(4) According to Directive 1999/32/EC the Commission is to report to the European Parliament and the Council on the implementation of the Directive and to table any proposals for amendments, in particular as regards the reduction of sulphur limits for marine fuel in SO_x Emission Control Areas (SECAs), ***taking account of*** work ***within*** the International Maritime Organisation (IMO).

Amendment

(4) According to Directive 1999/32/EC the Commission is to report to the European Parliament and the Council on the implementation of the Directive and to table any proposals for amendments, in particular as regards the reduction of sulphur limits for marine fuel in SO_x Emission Control Areas (SECAs), ***in accordance with the*** work ***of*** the International Maritime Organisation (IMO).

Justification

The reduction of sulphur content in marine fuels is determined by the IMO; it is a major task and the most appropriate decision-making level for its completion is the international level. In its proposal the Commission should insist on the importance of the international dimension and should accordingly not give the impression that the IMO's work is merely secondary and might be amended without first notifying the other international parties.

Amendment 2

Proposal for a directive - amending act Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) It is also important that the Commission assess the consequences of ensuring compliance by the maritime

transport sector on the basis of reports drawn up by the Member States, in order to permit the upstream planning of appropriate accompanying measures, particularly by carrying out studies on the availability of fuels, their prices, the risks of a retrograde modal switch and the impact of this Directive on all economic operators in the maritime transport sector. The results of those studies would make it possible to clarify the Commission's proposals on the deployment in practice of its 'toolbox', as referred to in the Commission staff working paper of 16 September 2011 entitled 'Pollutant emission reduction from maritime transport and the sustainable waterborne transport toolbox', and the implementation of the arrangements for sustainable water transport.

Justification

The accompanying measures seem essential in order to help the maritime transport sector adapt: this is the meaning of the Commission's communication COM(2011)441. Any reduction in maritime services should be avoided and therefore there is a need for upstream evaluation of the consequences of this directive in terms of ensuring compliance, in order to consider possible appropriate measures to follow up the Commission's proposal on accompanying measures for operators in this sector.

Amendment 3

Proposal for a directive - amending act Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Some SOx abatement methods can generate waste, in particular wastewater containing mercury, selenium, and other trace elements that may necessitate treatment of the wastewater before discharge. The Commission should adopt guidelines for the harmonised development of reception facilities in Union ports.

Justification

While SOx scrubbers can be efficient tools to reduce emissions, they may generate waste that should not be discharged in the seas. The Commission should promote the development in EU ports of the infrastructure required to receive and treat wastewater from scrubbers.

Amendment 4

Proposal for a directive - amending act Recital 6

Text proposed by the Commission

(6) The revised Annex VI to MARPOL introduces, inter alia, stricter sulphur limits for marine fuel in SECAs (1.00% as of 1 July 2010 and 0.10% as of 1 January 2015) as well as in sea areas outside SECAs (3.5% as of 1 January 2012 and, in principle, 0.50% as of 1 January 2020). Most Member States are obliged to require ships to use fuel with maximum 1.00% sulphur content in SECAs as of 1 July 2010 based on their international commitments. In order to ensure coherence with international law as well as to secure proper enforcement of new globally established sulphur standards in the Union, the provisions of Directive 1999/32/EC should be aligned with the revised Annex VI to MARPOL. ***In order to ensure a minimum quality of fuel used by ships either for fuel or technology based compliance, marine fuel the sulphur content of which exceeds the general standard of 3.5% by mass should not be allowed for use or placing on the market in the Union.***

Amendment

(6) The revised Annex VI to MARPOL introduces, inter alia, stricter sulphur limits for marine fuel in SECAs (1.00% as of 1 July 2010 and 0.10% as of 1 January 2015) as well as in sea areas outside SECAs (3.5% as of 1 January 2012 and, in principle, 0.50% as of 1 January 2020). Most Member States are obliged to require ships to use fuel with maximum 1.00% sulphur content in SECAs as of 1 July 2010 based on their international commitments. In order to ensure coherence with international law as well as to secure proper enforcement of new globally established sulphur standards in the Union, the provisions of Directive 1999/32/EC should be aligned with the revised Annex VI to MARPOL.

Justification

Final sentence would be moved to Recital 6 b (new) so as to improve clarity and avoid any suggestion that this 3.5% limit would affect the transport of high sulphur fuel by ship.

Amendment 5

Proposal for a directive - amending act Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In view of the improved air quality and health benefits of lower sulphur emissions and in order to establish a level playing field for the maritime transport sector across the Union, the Commission should propose, with a clear timetable, the extension of the 0,10% limit to other seas bordering on Member States' landmass or so as to cover a fixed distance from the Union coastline.

Justification

An evaluation study for the Commission suggests that lowering the sulphur emission limit to 0.1% in the Baltic, North Sea and Channel could avoid more than 17 000 premature deaths per year in 2020. Applying this limit to other seas or adopting a limit based on distance from the coast (the Canadian and US limits apply up to 200 nautical miles from the coast) could save more lives and help Member States meet air quality requirements.

Amendment 6

Proposal for a directive - amending act Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) In order to ensure a minimum quality of fuel used by ships either for fuel or technology-based compliance, marine fuel the sulphur content of which exceeds the general standard of 3,50% by mass should not be allowed for use or placing on the market in the Union. That limit should apply only to fuel being used to power ships and not to fuel being transported by ship.

Justification

The use of fuel with excessively high sulphur content could lead to the discharge of waste water that would cause a negative impact on the marine environment. However it is important

to be clear that the limit imposed by Article 3a only applies to fuel that is used to power ships. The transport of high sulphur fuel by ship should not be affected by this Article.

Amendment 7

Proposal for a directive - amending act

Recital 7

Text proposed by the Commission

(7) Passenger ships operate mostly in ports or close to coastal areas and their impacts on human health and the environment are significant. Those ships are required to use marine fuel with the same maximum sulphur content as is applicable in SECAs (1.5%). Given that stricter sulphur standards will apply in SECAs, it is justified by the need to improve air quality around ports and coasts in the non-SECA territories that the same standards apply to passenger ships. ***However, the introduction of a new SECA standard for passenger ships would be delayed by 5 years in order to avoid potential problems with fuel availability.***

Amendment

(7) Passenger ships operate mostly in ports or close to coastal areas and their impacts on human health and the environment are significant. Those ships are required to use marine fuel with the same maximum sulphur content as is applicable in SECAs (1.5%). Given that stricter sulphur standards will apply in SECAs, it is justified by the need to improve air quality around ports and coasts in the non-SECA territories that the same standards apply to passenger ships.

Justification

The 0.1 % sulphur limit should be extended to vessels engaged in regular passenger transport. In order to avoid any distortion of competition, this limit should enter into force in 2015, at the same time as in the SECAs.

Amendment 8

Proposal for a directive - amending act

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Enforcement of the 0,10% limit in the years immediately following 2015 should take account of uncertainty about the availability of low sulphur fuel and differing views on the effectiveness and reliability of abatement technology. In

particular, the Commission and Member States should provide support for the introduction of scrubber technology and refrain from acting against firms which are making genuine efforts to comply with the rules. Member States should ensure that compliant fuel is available and distributed in a balanced manner in accordance with Regulation 18 of the revised Annex VI to MARPOL. In the event that compliant fuel might not be available in some ports, the ship should be permitted to invoke the exemption provided for in the revised Annex VI to MARPOL applicable to ships that, despite best efforts to purchase compliant fuel oil, have been unable to obtain such fuel oil. The ship should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.

Justification

While the limits resulting from the revised annex VI to the Marine Pollution agreement are international obligations that have been endorsed by the Member States, it is important that, in the years immediately following 2015, enforcement takes account of the availability of appropriate fuel and technology. A certain tolerance should be shown towards firms who are seeking to obey the rules but encountering practical difficulties.

Amendment 9

Proposal for a directive - amending act Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Preventing modal backshift is particularly important given that an increasing share of goods being transported by road would run counter to the Union's climate change objectives and increase congestion.

Justification

Average CO₂ emissions per tonne kilometre from road haulage are more than seven times that of marine transport. As a result, measures should be taken to avoid this Directive causing

goods to move from sea transport to the road as a result of higher fuel costs for ships. Increased road transport would also cause congestion and higher noise levels both of which are already serious problems for European citizens.

Amendment 10

Proposal for a directive - amending act Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b)The costs of the new requirements to reduce sulphur emissions risks modal backshift, which is of particular concern for areas and industries heavily dependent on marine transport. The Commission should make full use of existing instruments such as Marco Polo and TEN-T, particularly in Member States adjoining SECAs, to provide targeted assistance so as to minimise the risk of modal backshift. In view of the current economic situation and this Directive's possible effects, the Commission should present concrete measures that will provide the industry with economic and financial assistance to support environmentally-friendly maritime technologies before January 2015, particularly taking into account the availability of fuels, their prices, the risks of modal backshift and the impact of the measures of this Directive on all economic operators in the maritime transport sector.

Justification

Higher shipping fuel costs are a particular concern for goods that have a high volume to value ratio including paper and ores. While projects to support the deployment of Liquefied Natural Gas (LNG) or scrubber technologies are already eligible for funding from Marco Polo or the TEN-T Motorways of the Sea programme, this support needs to be sustained and enhanced if modal backshift is to be minimised.

Amendment 11

Proposal for a directive - amending act Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The use of Liquefied Natural Gas (LNG) virtually eliminates sulphur emissions. A new code for LNG-fuelled ships is expected to be introduced in 2014 together with the next revision of the Safety Of Life At Sea (SOLAS) Convention. Member States should pay particular attention to the need to ensure the safety and availability, as well as safe bunkering operations, of LNG-powered ships while preventing the revised SOLAS Convention from creating unnecessary barriers to the use of LNG. The Commission should deploy European funds such as Marco Polo as widely as possible to encourage the use of low-sulphur LNG as a maritime fuel. Member States should contribute to this trend by making fiscal facilities available for ship owners who invest in the use of LNG or in the development and use of scrubbers.

Justification

It is important to take account of the experience when revising Annex VI to the Marine Pollution (MARPOL) convention (agreed in 2008 but with the Commission proposal only arriving almost three years later and some Member States subsequently questioning what had been agreed). As IMO Members, unlike the Commission, Member States should ensure that the new LNG code encourages the use of this cleaner fuel source without compromising safety standards.

Safety rules for bunkering operations and availability of bunkering installation should be taken into account.

Amendment 12

Proposal for a directive- amending act Recital 12 b (new)

Text proposed by the Commission

Amendment

(12a) Member States may, as an alternative solution for cutting emissions, facilitate the use by docked vessels of onshore power supply systems instead of shipboard-generated power.

Amendment 13

Proposal for a directive - amending act

Article 1 – point 4

Directive 1999/32/EC

Article 3a

Text proposed by the Commission

Amendment

Member States shall ensure that marine fuels are not used ***or placed on the market*** within their territory if their sulphur content exceeds 3,5 % by mass.

Member States shall ensure that marine fuels are not used within their territory if their sulphur content exceeds 3.50% by mass. ***The use of ships' fuels whose sulphur content exceeds 3,50% by mass should only be permitted in conjunction with emission reduction procedures which have at least the same positive impact on the environment as can be achieved by using low-sulphur fuels.***

Justification

Fuels which have a sulphur content of more than 3.5% should not be generally banned if at the same time emission reduction technologies are to be promoted which can use fuels that contain higher levels of sulphur. The use of fuels containing higher levels of sulphur should be permitted in the Union only in conjunction with the appropriate technical procedures to reduce emissions.

Amendment 14

Proposal for a directive - amending act

Article 1 – point 6 – point a

Directive 1999/32/EC

Article 4a – title

Text proposed by the Commission

'Maximum sulphur content of marine fuels used in territorial seas, exclusive economic zones and pollution control zones of Member States, including SO_x Emission Control Areas and by passenger ships operating *on regular services* to or from Union ports'

Amendment

'Maximum sulphur content of marine fuels used in territorial seas, exclusive economic zones and pollution control zones of Member States, including SO_x Emission Control Areas and by passenger ships operating to or from Union ports'

Amendment 15

Proposal for a directive - amending act

Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4a – paragraph 1

Text proposed by the Commission

'1. Member States shall take all necessary measures to ensure that marine fuels are not used in the areas of their territorial seas, exclusive economic zones and pollution control zones falling within SO_x Emission Control Areas if the sulphur content of those fuels by mass exceeds:

Amendment

'1. Member States shall take all necessary measures to ensure that marine fuels are not used in the areas of their territorial seas, exclusive economic zones and pollution control zones falling within SO_x Emission Control Areas *and in their territorial waters which do not fall within SO_x Emission Control Areas* if the sulphur content of those fuels by mass exceeds:

Amendment 16

Proposal for a directive - amending act

Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4a – paragraph 1 – subparagraph 2

Text proposed by the Commission

This paragraph shall apply to all vessels of all flags, including vessels whose journey began outside the Union.

Amendment

This paragraph shall apply to all vessels of all flags, including vessels whose journey began outside the Union.

Vessels operating in short sea shipping shall be excluded from the arrangement

referred to in point (b) of the first subparagraph. The arrangement referred to in point (a) of the first subparagraph shall continue to apply to them for a transitional period of five years.

If necessary for the purposes of the application of this exception, Member States shall be expected to create the legal preconditions for it at the IMO.

Amendment 17

Proposal for a directive - amending act

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4a – paragraph 1a – subparagraph 1 – introductory part

Text proposed by the Commission

'1. Member States shall take all necessary measures to ensure that marine fuels are not used in the areas of their territorial seas, exclusive economic zones and pollution control zones if the sulphur content of those fuels by mass exceeds:

Amendment

'1. Member States shall take all necessary measures to ensure that marine fuels are not used in the areas of their territorial seas, exclusive economic zones and pollution control zones *falling outside SOx Emission Control Areas* if the sulphur content of those fuels by mass exceeds:

Justification

To avoid any distortion of competition, the SECA limit value for sulphur content in marine fuels should uniformly apply in the territorial seas of all Member States.

Amendment 18

Proposal for a directive - amending act

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4a – paragraph 1a – point b

Text proposed by the Commission

(b) **0.50 %** as from **1 January 2020**.

Amendment

(b) **0,10 %** as from **1 January 2015**.

Justification

To avoid any distortion of competition, the SECA limit value for sulphur content in marine

fuels should uniformly apply in the territorial seas of all Member States.

Amendment 19

Proposal for a directive - amending act

Article 1 – point 6 – point d

Directive 1999/32/EC

Article 4a – paragraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 9a of this Directive concerning the designation of sea areas as SO_x Emission Control Areas on the basis of the decision of the IMO in accordance with Regulation 14(3)(2) of Annex VI to MARPOL.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 9a of this Directive concerning the designation of sea areas as SO_x Emission Control Areas on the basis of the decision of the IMO in accordance with Regulation 14(3)(2) of Annex VI to MARPOL. ***The introduction of any new Emission Control Areas shall go through the IMO process under Annex VI to MARPOL with a properly worked out case supported by scientific data on an environmental and economic basis.***

Amendment 20

Proposal for a directive - amending act

Article 1 – point 6 – point e

Directive 1999/32/EC

Article 4a – paragraph 4 - introductory part

Text proposed by the Commission

4. Member States shall 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 SO_x Emission Control Areas by passenger ships ***operating on regular services*** to or from any Union port if the sulphur content of those fuels by mass exceeds:

Amendment

4. Member States shall 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 SO_x Emission Control Areas by passenger ships to or from any Union port if the sulphur content of those fuels by mass exceeds:

Amendment 21

Proposal for a directive - amending act

Article 1 – point 6 - point e

Directive 1999/32/EC

Article 4a – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) 0,50% as of 1 January 2015;

Justification

Under the Commission proposal, the limit for passenger ships operating on regular services (currently aligned with the SECA limit) should be reduced to 0.1% in 2020, five years later than the SECA limit reaches that value. While this is justified in terms of ensuring the availability of sufficient low sulphur fuel, as these passenger ships typically operate close to the coast, there would be significant health benefits in reducing the limit to an intermediate value in 2015.

Amendment 22

Proposal for a directive - amending act

Article 1 – point 6 - point e

Directive 1999/32/EC

Article 4 a – paragraph 6 – point d a (new)

Text proposed by the Commission

Amendment

(da) permit a ship that does not comply with the provisions of this Directive to benefit from the measures under paragraphs 2.2. and 2.3 of Regulation 18, if the conditions listed in paragraph 2.1 of that Regulation are met;

Justification

Regulation 18 of the MARPOL Convention provides that a ship that can prove it has not been able to take on fuel will not be forced to change or delay its itinerary to comply with the provisions of the Convention. This amendment therefore seeks to include in the Directive this exemption for ships exceptionally needing to stop in an EU port without being able to take on fuel earlier.

Amendment 23

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4b – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that marine gas oils are not placed on the market in their territory if the sulphur content of those marine gas oils exceeds 0.10 % by mass. **deleted**

Justification

The new Article 4b should be deleted as marine gas oil with a sulphur content greater than 0.1% but less than or equal to 0.5% by mass is expected to be delivered by the oil industry to meet the global requirements for sulphur content as from 2020 or 2025.

Amendment 24

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4b – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Administration of a Member State may allow any fitting, material, appliance or apparatus to be fitted in a ship or other procedures, alternative fuel oils, or compliance methods used as an alternative to that required by this Directive if such fitting, material, appliance or apparatus or other procedures, alternative fuel oils or compliance methods are at least as effective in terms of emission reductions as required by this Directive, including any of the standards set out in Articles 4a and 4b.

Justification

Regulation 4 of the MARPOL Annex VI on equivalence includes non-technical or operational

procedures by which compliance methods used as an alternative can be adopted. This should be incorporated in the revised EU Directive to encourage developments and investment in innovative technologies.

Amendment 25

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4b a (new)

Text proposed by the Commission

Amendment

Article 4ba

Availability of marine fuels

1. Member States shall take the necessary measures to ensure that marine fuels are available and distributed in a balanced manner:

- where the sulphur content does not exceed 0,10% as from 1 January 2015;

- where the sulphur content does not exceed 0,50% as from 1 January 2020.

2. Paragraph 1 shall not preclude the introduction of such measures from an earlier date.

Amendment 26

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4c – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Member States shall, as an alternative solution for reducing emissions, encourage the use by docked vessels of onshore power supply systems.

Amendment 27

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that port authorities include in the harbour fee or other charges any costs of reception, handling and disposal of effluents from exhaust gas cleaning systems in accordance with Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues*.

**** OJ L 332, 28.12.2000, p. 81.***

Justification

The Port Reception Facilities Directive is currently under revision process, any reference to the disposal of wastes from exhaust gas cleaning systems should refer to the dedicated directive.

Amendment 28

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4c – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 9a concerning:

In order to implement the relevant standards and instruments adopted by the IMO, the Commission shall be empowered to adopt delegated acts in accordance with Article 9a concerning:

Justification

The wording seems to imply that the Commission is allowed to adopt, by means of delegated acts, measures which may differ from IMO decisions. However, it is essential to remain fully in line with Annex VI of MARPOL, since divergences within the EU concerning emission abatement methods might result in not promoting alternatives to the use of low-sulphur fuels, which is an essential aspect of the directive.

Amendment 29

Proposal for a directive - amending act

Article 1 – point 8 a (new)

Directive 1999/32/EC

Article 4e a (new)

Text proposed by the Commission

Amendment

(8a) The following article is inserted:

"Article 4ea

Fuel oil availability

Notwithstanding Articles 3 and 4:

1. If a ship is found by a Member State not to be in compliance with the standards for compliant fuel oils set out in this Directive, the competent authority of the Member State is entitled to require the ship to:

(a) present a record of the actions taken to attempt to ensure compliance; and

(b) provide evidence that it attempted to purchase compliant fuel oil in accordance with its voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.

2. The ship shall not be required to deviate from its intended voyage or to delay unduly the voyage in order to ensure compliance.

3. If a ship provides the information set out in point 1 of this Article, Member States shall take into account all relevant circumstances and the evidence presented in order to determine the appropriate action to take, including not taking control measures.

4. A ship shall notify its Administration and the competent authority of the relevant port of destination when it cannot purchase compliant fuel oil.

5. Member States shall notify the Commission when a ship has presented evidence of the non-availability of compliant fuel oil."

Amendment 30

Proposal for a directive - amending act

Article 1 – point 9 – point a

Directive 1999/32/EC

Article 6 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

b) sampling and analysis of the sulphur content of marine fuel for onboard combustion ***contained in tanks and*** in sealed bunker samples on board ships;

Amendment

b) sampling and analysis of the sulphur content of marine fuel for onboard combustion in sealed bunker samples on board ships;

Justification

The MARPOL Convention provides only for the analysis of ‘sealed samples’, which is the only way to guarantee the homogeneity of the fuel used. The IMO does not any need for the taking of fuel samples ‘contained in tanks’. It seems premature to require the analysis of samples of fuels contained in tanks. The Commission may use delegated acts to bring this directive into line with any future development in this area.

Amendment 31

Proposal for a directive - amending act

Article 1 – point 10 - point c

Directive 1999/32/EC

Text proposed by the Commission

(c) paragraphs 2 and 3 are deleted.

Amendment

(c) paragraph 2 is replaced by the following:

'2. Within [two] years of the entry into force of this Directive the Commission shall submit a report to the European Parliament and to the Council based, inter alia, on:

(a) annual reports submitted in accordance with paragraph 1;

(b) observed trends in air quality (concentrations, exposure and deposition of air pollutants), acidification, fuel costs and modal shift;

(c) progress in reducing emissions of sulphur and nitrogen oxides as well as particulate matter including black carbon from ships through IMO mechanisms following Union initiatives in this regard;

(d) a new cost-effectiveness analysis, including direct and indirect environmental benefits, of measures contained in Article 4a(4) and of possible further emission reduction measures; and

(e) the possible use of economic instruments to complement lower sulphur limits, such as fiscal mechanisms to reduce emissions with clear health and environmental benefits;

(f) the implementation of Articles 4c, 4d and 4e;

(g) the use and availability of scrubbers, both on-board and on-shore; and

(h) developments regarding fuel availability.

In its report to the European Parliament and the Council, the Commission shall give particular consideration to proposals for the designation of additional SO_x and NO_x Emission Control Areas. The report shall be accompanied, if appropriate, by a

legislative proposal to further reduce emissions from ships.'

(ca) paragraph 3 is deleted

Amendment 32

Proposal for a directive - amending act

Article 1 – point 10

Directive 1999/32/EC

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By 1 January 2013, the Commission shall submit an extensive survey of the impact of the introduction of this legislation, particularly with regard to a possible modal switch from water to land transport. This shall also include an investigation of the impact of introducing the 0,1% sulphur standard for all European seas. If that survey shows that water transport is being replaced by land transport, the Commission shall submit an alternative legislative proposal which does not entail any switch from water to land transport.

Amendment 33

Proposal for a directive - amending act

Article 1 – point 10 - point c b (new)

Directive 1999/32/EC

Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(cb) the following paragraph 3a is inserted

3b. If the IMO decides before 1 January 2015 to amend Annex VI to the MARPOL Convention, the Commission shall

automatically submit a new proposal to incorporate that amendment into Union law.

Amendment 34

Proposal for a directive - amending act Annex

Directive 1999/32/EC

Annex 2 – paragraph 2 – indent 2

Text proposed by the Commission

– document thoroughly that any waste streams discharged into the sea, including enclosed ports, harbours and estuaries have no significant negative impacts on and do not pose risks to human health and the environment."

Amendment

– ***documents*** thoroughly that any waste ***water, including waste water in compliance with the waste water requirements in IMO Resolution MEPC.184(59)***, discharged into the sea, including enclosed ports, harbours and estuaries have no significant negative impacts on and do not pose risks to human health and the environment."

PROCEDURE

Title	Amendment of Directive 1999/32/EC as regards the sulphur content of marine fuels
References	COM(2011)0439 – C7-0199/2011 – 2011/0190(COD)
Committee responsible Date announced in plenary	ENVI 13.9.2011
Committee(s) asked for opinion(s) Date announced in plenary	TRAN 13.9.2011
Rapporteur(s) Date appointed	Vilja Savisaar-Toomast 30.8.2011
Discussed in committee	22.11.2011 19.12.2011
Date adopted	20.12.2011
Result of final vote	+: 39 -: 2 0: 0
Members present for the final vote	Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Philippe De Backer, Luis de Grandes Pascual, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Jozas Imbrasas, Ville Itälä, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, David-Maria Sassoli, Vilja Savisaar-Toomast, Debora Serracchiani, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Peter van Dalen, Dominique Vlasto, Artur Zasada
Substitute(s) present for the final vote	Isabelle Durant, Michael Gahler, Zita Gurmai, Dominique Riquet, Anna Rosbach, Oldřich Vlasák, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	Kristiina Ojula