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Committee on Transport and Tourism

2011/0190(COD)

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AMENDMENTS

11 - 111

Draft opinion
Vilja Savisaar-Toomast
(PE474.004v01-00)

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

Proposal for a directive
(COM(2011)0439 – C7-0199/2011 – 2011/0190(COD))

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United in diversity

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Amendment 11
Sabine Wils

Proposal for a directive - amending act
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Acidification still remains a widespread problem in Europe. Significant European regions still remain particularly sensitive to acidification issues and the EU has not yet reached its objectives regarding critical loads and levels.

Or. en

Justification

SOx emissions are one of the key factors causing acidification in Europe.

Amendment 12
Keith Taylor

Proposal for a directive- amending act
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) SOx and NOx emissions from shipping are projected to exceed all land-based SOx and NOx emissions by 2020.

Or. en

Amendment 13- amending act
Sabine Wils

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Air pollution caused by ships at berth, in particular by cruise ships, is a major concern for harbour cities regarding their efforts to meet the EU's air quality limit values for particulate matter and NO2.

Or. en

Justification

Auxiliary engines provide electricity to ships when they are at berth. Air pollution resulting from ship power generation in ports is a very acute air quality problem for harbour cities. This issue is particularly important for cruise ships that have a relatively more important need for electricity than cargo ships.

Amendment 14

Keith Taylor

**Proposal for a directive- amending act
Recital 3 a (new)**

Text proposed by the Commission

Amendment

(3a) Air pollution from ships at berth, and in particular from cruise ships, is a particular concern for harbour cities. As the electricity needs of ships at berth are usually met with the help of auxiliary engines, Member States should support the development of shore-side electricity provision.

Or. en

Amendment 15

Sabine Wils

**Proposal for a directive- amending act
Recital 3 b (new)**

Text proposed by the Commission

Amendment

(3b) While emissions from land-based sources have been reduced, air pollution from shipping is projected to dramatically increase. Without further action, SOx and NOx emissions from shipping would therefore be higher than emissions from all land-based sources around 2020.

Or. en

Justification

The maritime sector is an important source of air pollution in the EU. Under a business as usual scenario, the emissions of the sector will surpass emissions from all land-based sources. This reinforces the need rapidly to reduce SOx emissions from shipping and also address NOx emissions in the nearest future.

Amendment 16

Dominique Vlasto, Agnès Le Brun

Proposal for a directive- amending act Recital 4

Text proposed by the Commission

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 SOx Emission Control Areas (SECAs), ***taking account of*** work ***within*** the International Maritime Organisation (IMO).

(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 SOx Emission Control Areas (SECAs), ***in accordance with the*** work ***of*** the International Maritime Organisation (IMO).

Or. fr

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 17

Sabine Wils

Proposal for a directive- amending act

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) While this Directive aims to reduce emissions from secondary particulate matter (PM), the Commission should complement its efforts to address air pollution from shipping by investigating measures to reduce ship emissions of primary particulate matter, including their abatement efficiencies, costs, benefits, and potential to reduce also black carbon (BC). After a review of available emission control measures for primary PM and BC, the Commission should, if appropriate, come forward with proposals for PM/BC emission standards for ships.

Or. en

Justification

Given the severe health effects of PM exposure and the concentration of populations in EU coastal regions, it is necessary to take measures to reduce ships' emissions of PM. Black Carbon (BC) is a component of PM, and emissions of BC contribute to global warming. BC emissions at northern latitudes have particularly significant impacts on the Arctic environment. PM/BC emissions from shipping show a continuous increase. Without additional measures these emissions will increase over the next few decades.

Amendment 18

Dominique Vlasto, Agnès Le Brun

**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 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 the measures of this directive on all economic operators in the maritime transport sector. The results of this study would make it possible to clarify the Commission's proposals on the deployment of its toolbox in practice and the implementation of the arrangements for sustainable water transport.

Or. fr

Justification

The accompanying measures seem essential in order to help the 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 19
Sabine Wils**

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

Text proposed by the Commission

Amendment

(4b) Speed limits are a very cost-efficient way to reduce fuel consumption and therefore mitigate the costs caused by the

introduction of more stringent sulphur standards for marine fuels.

Or. en

Amendment 20
Sabine Wils

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

Text proposed by the Commission

Amendment

(4c) 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 EU ports.

Or. en

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 21
Knut Fleckenstein

Proposal for a directive - amending act
Recital 6

Text proposed by the Commission

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)

(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.

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Or. de

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 22

Dominique Vlasto, Agnès Le Brun

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

Amendment

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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 ***comply with the sulphur content limits set by the IMO and the dates for their entry into force***, marine fuel the sulphur content of which exceeds the general standard of 3.5 % by mass should be allowed for use or placing on the market in the Union ***only on vessels equipped with a flue gas cleaning system***.

Or. fr

Justification

The original wording creates confusion about the objectives. A minimum fuel quality is not necessary to achieve the prescribed limits, and would delay the date of entry into force of these provisions owing to its effects on the fuel market and the investments required. It needs to be stressed that the use of fuels exceeding the standard of 3.5% by mass should be tolerated only for vessels with a flue gas cleaning system.

Amendment 23 **Keith Taylor**

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

Text proposed by the Commission

Amendment

(6a) In view of the health benefits of lower sulphur emissions, the Commission should propose a fixed timetable for the

extension of the 0.1% limit to all seas bordering Member States' landmass or for the extension of this limit so as to cover a fixed distance from the Union coastline.

Or. en

Justification

The Commission suggests lowering sulphur emission limits to 0.1% in the Baltic, North Sea and Channel could avoid more than 17 000 premature deaths per year in 2020. The Commission should therefore be asked to fix a definite timeline to extend these expected benefits also to other EU areas or indeed to the entire EU coastline.

Amendment 24
Knut Fleckenstein

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

Text proposed by the Commission

Amendment

(6a) In view of the health benefits of lower sulphur emissions the European Commission should, insofar as it can, promote the extension of the 0.1% limit to other seas bordering on Member States' landmass or extending this limit so as to cover a fixed distance from the Union coastline.

Or. de

Amendment 25
Dominique Vlasto, Agnès Le Brun

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

Text proposed by the Commission

Amendment

(6a) However, given the risk that the reduction to 0.1% in 2015 might lead to a

modal switch for some intra-EU traffic, Member States should be allowed the option of requesting, in the context of the IMO, exemptions for a limited area and time, with a view to facilitating the use of alternative methods of emissions reduction.

Or. fr

Justification

Promoting modal switches is a key element in the EU's transport policy. Improving air quality must not detract from this policy, nor from the competitiveness of exporters using maritime transport. The implementation of the 0.1% limit in 2015 must remain the general rule, but the Member States must have the option of requesting derogations in limited and justified cases.

Amendment 26
Sabine Wils

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

Text proposed by the Commission

Amendment

(6a) The sulphur content of fuel is only one of the indicators used to determine the quality of fuel. The European Union should adopt a more comprehensive and detailed set of specifications to really identify the quality of fuel in the maritime sector.

Or. en

Justification

Sulphur is only one indicator of the fuel quality and does not address other elements such as heavy metals, ash, sediments, etc. In addition, on several occasions, marine fuels have been found to contain waste substances such as used waste oils. There are also claims that bunker fuels sometimes contain other dangerous substances. This contamination of bunker fuels is another source of air pollution from sea-going ships.

Amendment 27
Edward Scicluna

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. However, the introduction of a new SECA standard for passenger ships would be delayed by **3 years** in order to avoid potential problems with fuel availability.

Or. en

Amendment 28
Dominique Vlasto, Agnès Le Brun

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

Amendment

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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.

passenger ships. However, the introduction of a new SECA standard for passenger ships *should be based on a full impact assessment, taking account in particular of the risk of a modal switch and the possibility of using alternative methods, such as equipping passenger ships with flue gas cleaning systems*, in order to avoid *foreseeable* problems with fuel availability *and any difficulties with implementation*.

Or. fr

Justification

On-board flue gas cleaning systems are an appropriate way of achieving the sulphur emission reduction targets and are one means of avoiding fuel availability problems - which are not just potential but entirely predictable. The reference to a possible five-year delay would introduce a great deal of uncertainty and disregards the outcome and implications of the awaited impact assessment.

Amendment 29 **Roberts Zile**

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***

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.

with fuel availability.

Or. en

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 30

Keith Taylor

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.

Or. en

Amendment 31

Roberts Zile

Proposal for a directive- amending act

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to ensure that the air quality and health benefits can be enjoyed by the Member States whose coasts are not part of SECAs, and to establish a minimum level playing field for the sector across the Union, the same fuel quality requirement should be extended to the territorial seas of Member States and to pollution control areas outside SECAs.

Or. en

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 32
Werner Kuhn

Proposal for a directive - amending act
Recital 11

Text proposed by the Commission

Amendment

(11) Complying with the low fuel sulphur limits, particularly in SECAs, **can result** in a significant increase in the price of marine fuels, **at least in the short term**, and **can** have a negative effect for the competitiveness of short sea shipping in comparison with other transport modes as well as for the competitiveness of the industries in the countries bordering SECAs. Suitable solutions are necessary in order to reduce compliance costs for the affected industries, such as allowing for alternative, more cost-effective methods of compliance than fuel-based compliance and providing support, where necessary. The Commission will, based inter alia on reports from Member States, closely

(11) Complying with the low fuel sulphur limits, particularly in SECAs, **results** in a significant increase in the price of marine fuels and **will** have a negative effect for the competitiveness of short sea shipping in comparison with other transport modes as well as for the competitiveness of the industries in the countries bordering SECAs. Suitable solutions are necessary in order to reduce compliance costs for the affected industries, such as allowing for alternative, more cost-effective methods of compliance than fuel-based compliance and providing support, where necessary. The Commission will, based inter alia on reports from Member States, closely monitor the impacts of the shipping sector's

monitor the impacts of the shipping sector's compliance with the new fuel quality standards, particularly with respect to possible modal backshift from sea to land based transport.

compliance with the new fuel quality standards, particularly with respect to possible modal backshift from sea to land based transport.

Or. de

Amendment 33
Knut Fleckenstein

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

Text proposed by the Commission

Amendment

(11a) In this connection, if it is proven that transport has switched from sea to land-based modes, particularly in Member States adjoining SECAs, the European Commission should use all existing instruments, such as the Marco Polo programme, to prevent a switch to more environmentally damaging land-based modes.

Or. de

Amendment 34
Rolandas Paksas

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

Text proposed by the Commission

Amendment

(11a) In order to maintain the competitiveness of maritime transport while improving its environmental performance, the Commission should impose economic and financial measures to support environmental maritime technologies (scrubbers, substitute fuels etc) and an environmental infrastructure.

Special measures should be applied in SECAs and additional funds should be granted to guarantee compliance with fuel standards.

Or. It

Amendment 35
Spyros Danellis, Georgios Koumoutsakos

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

Text proposed by the Commission

Amendment

(11a) Modal backshift is a major problem for areas highly dependent on marine transport. The Commission must make full use of available resources, such as Marco Polo and transport TENs, so as to provide assistance specifically designed to minimise the risk of modal backshift.

Or. el

Amendment 36
Keith Taylor

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

Text proposed by the Commission

Amendment

(12a) Union legislation on the internalisation of external costs has been introduced for other transport modes, notably in the Eurovignette Directive, and is envisaged for all other transport modes in the coming years. The present introduction of reduced sulphur emissions will help to prepare the maritime sector in

reducing its considerable external costs. The development of comprehensive quality standards for marine fuel oil, including specifications on acidic and corrosive substances, ash content, aluminium, silicon and other metals such as iron and nickel, would further aid the sector in this regard.

Or. en

Amendment 37
Knut Fleckenstein

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

Text proposed by the Commission

Amendment

(12a) Until 2018, undertakings providing regular services which can show that more than 85% of their operations per annum take place in a SECA should be able to apply for support for the use of low-sulphur fuels. It should only be possible for this support to be granted if the applicant shows that, through no fault of his own, the required technological emission reduction procedures cannot be in operation by the deadline of 1 January 2015. In addition, the applicant should show that, in the run-up to the introduction of the more stringent SECA limit values in 2015, serious efforts were made before 1 January 2013 to acquire emission reduction technologies which would have had at least the same positive impact on the environment as can be achieved by using low-sulphur fuels.

Or. de

Justification

It should be ensured that the required emission reduction technologies can also be deployed

under customary market conditions from 1 January 2015. If the technologies cannot be used by 1 January 2015, the parties concerned should be able to apply for support under the stated conditions.

Amendment 38
Georgios Koumoutsakos

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 this fuel.

Or. en

Justification

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

Amendment 39
Silvia-Adriana Țicău

Proposal for a directive- amending act
Recital 12 a (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.

Or. ro

Amendment 40
Gesine Meissner

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

Text proposed by the Commission

Amendment

(12a) 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 (e.g. lacking in the physical distribution of compliant fuel), the ship should be permitted to invoke the exemption as foreseen under MARPOL Annex VI Regulation 18.

Or. en

Amendment 41
Keith Taylor

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

Text proposed by the Commission

Amendment

(12b) Slow steaming is a cost-efficient way to reduce fuel consumption. The Commission should therefore consider setting speed limits for ships as a measure to help offset some of the costs associated with meeting these sulphur limits.

Amendment 42
Georgios Koumoutsakos

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

Text proposed by the Commission

Amendment

(12b) Member States should ensure that compliant fuel in accordance with Regulation 18 of the revised Annex VI to MARPOL is available and distributed in a balanced manner. In the event that compliant fuel might not be available in some ports, the ship should be permitted to invoke the exemption as foreseen under MARPOL Annex VI Regulation 18. The ship should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.

Amendment 43
Silvia-Adriana Țicău

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

Text proposed by the Commission

Amendment

(12b) Given the costs of implementing new requirements regarding the use of low-sulphur fuel and the potential risk of modal transfers, it is necessary to introduce funding programmes for the implementation of these measures, so as to avoid restricting the competitiveness of maritime transport to the detriment of other types of transport.

Or. ro

Amendment 44
Keith Taylor

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

Text proposed by the Commission

Amendment

(12c) The reduction of external costs in transport and the 20-20-20 climate goals are an explicit aim of the Union. The Commission should support this thrust with further proposals to introduce economic instruments to support the cost effectiveness of internalisation.

Or. en

Amendment 45
Keith Taylor

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

Text proposed by the Commission

Amendment

(12d) Some types of SOx abatement methods generate waste and wastewater containing mercury, selenium and other trace element which require treatment before discharge. The Commission should adopt guidelines for the harmonised development of reception facilities in EU ports.

Or. en

Amendment 46
Keith Taylor

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

Text proposed by the Commission

Amendment

(12e) The Commission's objective in the present proposal to limit sulphur emissions is to align the Directive with the IMO rules on fuel standards. The Commission should make further proposals to set NOx emission engine standards, particularly as they are already contained in the MARPOL VI agreement of the IMO.

Or. en

Amendment 47
Keith Taylor

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

Text proposed by the Commission

Amendment

(12f) Member States should be encouraged to provide support for the introduction of scrubber technology and ensure fuel availability.

Or. en

Amendment 48
Roberts Zile

Proposal for a directive - amending act
Recital 13

Text proposed by the Commission

Amendment

(13) In order to ***determine the date of the***

(13) In order to approve new alternative

*application of 0.50% sulphur limit, to designate new SECAs, to approve new alternative abatement methods and to establish the appropriate conditions for their use, to ensure appropriate monitoring of sulphur content of fuels and the harmonized content and the format of Member States' reports and to adapt the provisions of the Directive to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of **specification of the date from which the maximum sulphur content of fuel of 0.50% by mass should apply in the Union**, designation of new SECAs on the basis of the decision of the IMO, approval of new emission abatement methods not covered by Council Directive 96/98/EC¹⁵ and establishment, supplementation or amendment of conditions for their use, the specification of the means of sampling and emission monitoring and the content and the format of the report and the amendment of Article 2, points 1, 2, 3, 3a, 3b and 4 or Article 6 paragraph 1(a) and 2 in the light of scientific and technical progress and, where relevant, the instruments of the IMO. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*

abatement methods and to establish the appropriate conditions for their use, to ensure appropriate monitoring of sulphur content of fuels and the harmonized content and the format of Member States' reports and to adapt the provisions of the Directive to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of designation of new SECAs on the basis of the decision of the IMO, approval of new emission abatement methods not covered by Council Directive 96/98/EC¹⁵ and establishment, supplementation or amendment of conditions for their use, the specification of the means of sampling and emission monitoring and the content and the format of the report and the amendment of Article 2, points 1, 2, 3, 3a, 3b and 4 or Article 6 paragraph 1(a) and 2 in the light of scientific and technical progress and, where relevant, the instruments of the IMO. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. en

Amendment 49
Jacqueline Foster

**Proposal for a directive - amending act
Recital 14 a (new)**

Text proposed by the Commission

Amendment

(14a) The importance of improving environmental standards with regard to the reduction of sulphur emissions in the European Union should be emphasized. However any legislative change at the EU-level must respect decisions already taken at an international level. Any proposal that goes beyond previously agreed standards is a matter for Member States. The appropriate forum for such decisions is the International Maritime Organization.

Or. en

**Amendment 50
Peter van Dalen**

**Proposal for a directive - amending act
Recital 14 a (new)**

Text proposed by the Commission

Amendment

(14a) In order to prevent transport from being switched from water to land, the Commission must deploy European funds such as Marco Polo as widely as possible to promote water transport and 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 and for ship owners who invest in the development and use of scrubbers.

Or. nl

Amendment 51
Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 2 – point (b)

Directive 1999/32/EC

Article 2 – point 3 m

Text proposed by the Commission

'3m. emission abatement method means any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel, or compliance method, used as an alternative to low sulphur marine fuel meeting the requirements set out in this Directive, **that is verifiable, quantifiable and enforceable;**

Amendment

'3m. emission abatement method means any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel, or compliance method, used as an alternative to low sulphur marine fuel meeting the requirements set out in this Directive;'

Or. fr

Justification

Meeting the requirements of this directive is a precondition for the abatement method to be authorised, and can be verified in advance. It does not seem helpful to add further criteria, except in order to place ultra-restrictive conditions on operators, thus limiting the options for the emissions abatements methods.

Amendment 52
Gesine Meissner

Proposal for a directive - amending act

Article 1 – point 4

Directive 1999/32/EC

Article 3a

Text proposed by the Commission

'Article 3a

Maximum sulphur content in marine fuel

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.'

Amendment

deleted

Justification

This restriction on the fuel available on the EU bunker fuel market is too prescriptive for the use of the scrubbing technology by not permitting to burn quality fuels with higher sulphur content. The risk that the possibility to use heavy fuel oil in combination with emission abatement methods instead of low sulphur distillate fuels could result in use and placing on the market of poor quality fuel and could result in a discharge of high density waste water and have negative effects on marine environment.

Amendment 53
Knut Fleckenstein

Proposal for a directive - amending act

Article 1 – point 4

Directive 1999/32/EC

Article 3a

Text proposed by the Commission

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.

Amendment

Member States shall ensure that marine fuels are not used within their territory if their sulphur content exceeds 3.5 % by mass. ***The use of ships' fuels whose sulphur content exceeds 3.5 % 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 54
Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 4

Directive 1999/32/EC

Article 3a

Text proposed by the Commission

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.'

Amendment

Member States shall ensure that marine fuels are not used within their territory if their sulphur content exceeds 3.5 % by mass.'

Or. fr

Justification

The purpose of this proposal is to comply with the sulphur content limits. Accordingly it is understood, including in the context of this proposal, that on-board flue gas cleaning systems can permit vessels equipped with such systems to comply with these limits, in spite of using fuels with a higher sulphur content. It is therefore both disproportionate and unnecessary to ban the placing on the market of such fuels.

Amendment 55
Peter van Dalen

Proposal for a directive - amending act

Article 1 – point 4

Directive 1999/32/EC

Article 3a

Text proposed by the Commission

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.'

Amendment

Member States shall ensure that, ***from 31 December 2018***, marine fuels are not used or placed on the market within their territory if their sulphur content exceeds 3.5 % by mass ***unless this fuel is used on vessels which have installed technical systems which prevent the maximum emission values laid down in Annex 1 from being exceeded.***

Amendment 56
Werner Kuhn

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 SOx 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 SOx Emission Control Areas and by passenger ships operating to or from Union ports'

Or. de

Amendment 57
Sabine Wils

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 SOx 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 SOx Emission Control Areas and by passenger ships operating to or from Union ports'

Or. en

Amendment 58

Keith Taylor

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 SOx 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 SOx Emission Control Areas and by passenger ships to or from Union ports'

Or. en

Amendment 59

Knut Fleckenstein

Proposal for a directive

Article 1 – point 6 – point (c)

Directive 1999/32/EC

Article 4a – paragraph 1a – last subparagraph

Text proposed by the Commission

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

Amendment

Until 2018, in order to be able to comply with the limit values laid down in subparagraph (b) of this paragraph, undertakings providing regular services which can show that more than 85% of their operations per annum take place in a SECA should be able to apply for support for the use of low-sulphur fuels. It should only be possible for this support to be granted if the applicant shows that, through no fault of his own, the required technological emission reduction procedures cannot be in operation by the deadline of 1 January 2015. In addition, the applicant should show that, in the run-up to the introduction of the more

stringent SECA limit values in 2015, serious efforts were made before 1 January 2013 to acquire emission reduction technologies which would have had at least the same positive impact on the environment as can be achieved by using low-sulphur fuels.

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

Or. de

Justification

It should be ensured that the required emission reduction technologies can also be deployed under customary market conditions from 1 January 2015. If the technologies cannot be used by 1 January 2015, the parties concerned should be able to apply for support under the stated conditions.

Amendment 60
Werner Kuhn

Proposal for a directive - amending act

Article 1 – point 6 – point (c)

Directive 1999/32/EC

Article 4a – paragraph 1a – last subparagraph

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

If it should prove necessary for the purposes of the application of this exception, EU Member States are expected to create the legal preconditions for it at the IMO.

Amendment 61
Georgios Koumoutsakos

Proposal for a directive - amending act
Article 1 – point 6 – point (c)
Directive 1999/32/EC
Article 4a – paragraph 1 – last subparagraph

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, ***with the exception of ships that are granted an exemption from the requirements under MARPOL Annex VI.***

Amendment 62
Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act
Article 1 – point 6 – point (c)
Directive 1999/32/EC
Article 4 a – paragraph 1 – last subparagraph

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, ***except for vessels exempted under Annex VI of MARPOL.***

Justification

Annex VI of MARPOL provides for exemptions, limited in time and space, aimed at avoiding any risk of a retrograde modal switch. This amendment seeks to draw attention to this exemption scheme, which is determined at IMO level.

Amendment 63
Peter van Dalen

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:

Or. nl

Amendment 64
Roberts Zile

Proposal for a directive - amending act
Article 1 – point 6 – point (c)
Directive 1999/32/EC
Article 4a – paragraph 1a – 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 SO_x Emission Control Areas*** if the sulphur content of those fuels by mass exceeds:

Or. en

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 65
Roberts Zile

Proposal for a directive - amending act

Article 1 – point 6 – point (c)

Directive 1999/32/EC

Article 4a – paragraph 1a – point (a)

Text proposed by the Commission

Amendment

(a) **3.50** % as of 1 January 2012;

(a) **1.50** % as of 1 January 2012;

Or. en

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 66
Georgios Koumoutsakos

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

Amendment

(b) 0.50 % as from 1 January 2020.

(b) 0.50 % as from 1 January 2020 **or**
2025.

Or. en

Amendment 67
Dominique Vlasto, Agnès Le Brun

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

Amendment

b) 0.50% as from 1 January 2020.

b) 0.50% as from 1 January 2020, ***or as from 1 January 2025, depending on the IMO's decision following its assessment of the availability of marine fuels to comply with the maximum sulphur content of 0.50% by mass, referred to in Regulation 14(8) of Annex VI of the MARPOL Convention.***

Or. fr

Justification

The reference to the awaited IMO assessment of the availability of marine fuels to comply with the standards should not be relegated to the end of the paragraph but should appear immediately after the reference to the maximum sulphur content to be determined on the basis of the results of that assessment.

Amendment 68

Roberts Zile

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

Amendment

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

(b) ***0.10 %*** as from ***1 January 2015***.

Or. en

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 69
Sabine Wils

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**.

Or. en

Amendment 70
Roberts Zile

Proposal for a directive - amending act
Article 1 – point 6 – point (c)
Directive 1999/32/EC
Article 4a – paragraph 1a – subparagraph 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 date from which the sulphur standard laid down in point (b) of this paragraph applies. Based on the assessment by the IMO of the availability of marine fuel to comply with the maximum sulphur content of fuel of 0.50% by mass, referred to in Regulation 14(8) of Annex VI of MARPOL, this date shall be 1 January 2020 or 1 January 2025.

Amendment

deleted

Or. en

Amendment 71
Keith Taylor

Proposal for a directive - amending act
Article 1 – point 6 – point (c)

Directive 1999/32/EC
Article 4a – paragraph 1a – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 9a of this Directive concerning the date from which the sulphur standard laid down in point (b) of this paragraph applies. Based on the assessment by the IMO of the availability of marine fuel to comply with the maximum sulphur content of fuel of 0.50% by mass, referred to in Regulation 14(8) of Annex VI of MARPOL, this date shall be 1 January 2020 or 1 January 2025.

deleted

Or. en

Amendment 72
Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act
Article 1 – point 6 – point (c)
Directive 1999/32/EC
Article 4a – paragraph 1a – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 9a of this Directive concerning the date from which the sulphur standard laid down in point (b) of this paragraph applies. ***Based on the assessment by the IMO of the availability of marine fuel to comply with the maximum sulphur content of fuel of 0.50% by mass, referred to in Regulation 14(8) of Annex VI of MARPOL, this date shall be 1 January 2020 or 1 January 2025.***

The Commission shall be empowered to adopt delegated acts in accordance with ***the decision of the IMO and of*** Article 9a of this Directive concerning the date from which the sulphur standard laid down in point (b) of this paragraph applies.

Or. fr

Justification

Alignment with the rules set by the IMO is a principle of this directive. The reference to the awaited IMO assessment of the availability of marine fuels to comply with the standards should not be relegated to the end of the paragraph but should appear immediately after the reference to the maximum sulphur content to be determined on the basis of the results of that assessment.

Amendment 73 **Peter van Dalen**

Proposal for a directive - amending act

Article 1 – point 6 – point (c)

Directive 1999/32/EC

Article 4a – paragraph 1a

Text proposed by the Commission

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

Or. nl

Amendment 74 **Georgios Koumoutsakos**

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 MARPOL Annex VI with a properly worked out case supported by scientific data on an environmental and economic basis.

Or. en

Amendment 75

Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 6 – point (d)

Directive 1999/32/EC

Article 4a – paragraph 1a – subparagraph 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 SOx 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 **inclusion in this Directive** of **new** sea areas as SOx Emission Control Areas **created by** the IMO in accordance with Regulation 14(3)(2) of Annex VI to MARPOL.'

Or. fr

Justification

The original wording implies that the Commission is allowed to designate the new SECAs, whereas only the IMO is authorised to do this. Accordingly it is important to confine the Commission's delegated acts in this area to the inclusion in the directive of such SECAs as may be created in future by an IMO decision. Any legal uncertainty would be counter-productive.

Amendment 76

Werner Kuhn

Proposal for a directive - amending act

Article 1 – point 6 – point (e)

Directive 1999/32/EG
Article 4a – paragraph 4

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 SOx 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 SOx Emission Control Areas by passenger ships operating to or from any Union port if the sulphur content of those fuels by mass exceeds:

Or. de

Amendment 77
Keith Taylor

Proposal for a directive - amending act
Article 1 – point 6 – point (e)
Directive 1999/32/EC
Article 4a – paragraph 4 -introductory wording

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 SOx 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 SOx Emission Control Areas by passenger ships to or from any Union port if the sulphur content of those fuels by mass exceeds:

Or. en

Amendment 78
Georgios Koumoutsakos

Proposal for a directive - amending act
Article 1 – point 6 – point (e)

Directive 1999/32/EC
Article 4a – paragraph 4 – point (d)

Text proposed by the Commission

Amendment

(d) **0.10 % as from 1 January 2020.**

deleted

Or. en

Justification

The revised Sulphur Directive 1999/32/EC should refrain from introducing new elements that are not covered by MARPOL Annex VI on sulphur emissions

Amendment 79

Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 6 – point (e)

Directive 1999/32/EC

Article 4 a – paragraph 4 – point (d)

Text proposed by the Commission

Amendment

d) **0.10 %** as from 1 January 2020.

ca) 1% as from 1 January 2015.

d) **0.50%** as from 1 January 2020.

On the basis of a holistic, in-depth impact assessment, the Commission shall submit, no later than 1 January 2018, a proposal seeking to reduce this content to 0.10% as from 1 January 2025.

Or. fr

Justification

The risk of a modal switch will arise in a similar form for passenger ships outside SECAs. A careful analysis needs to be carried out, on the basis of an impact assessment, on the cost-benefit ratio of a reduction to 0.1% as opposed to 0.5% before any final decision is taken. It is widely thought that the prescribe deadlines will be hard to comply with, and so compliance should take place in stages, on the basis of an impact assessment.

Amendment 80
Roberts Zile

Proposal for a directive - amending act
Article 1 – point 6 – point (e)
Directive 1999/32/EC
Article 4a – paragraph 4 – point (d)

Text proposed by the Commission

Amendment

(d) 0.10 % as from **1 January 2020**.

(d) 0.10 % as from **1 January 2015**.

Or. en

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 81
Sabine Wils

Proposal for a directive - amending act
Article 1 – point 6 – point (e)
Directive 1999/32/EC
Article 4a – paragraph 4 – point (d)

Text proposed by the Commission

Amendment

(d) 0.10 % as from **1 January 2020**.

(d) 0.10 % as from **1 January 2015**.

Or. en

Amendment 82
Keith Taylor

Proposal for a directive - amending act
Article 1 – point 6 – point (e)
Directive 1999/32/EC
Article 4a – paragraph 4 – point (d)

Text proposed by the Commission

Amendment

(d) 0.10 % as from **1 January 2020**.

(d) 0.10 % as from **1 January 2015**.

Or. en

Amendment 83

Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 6 – point (e)

Directive 1999/32/EC

Article 4 a – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall require the correct completion of ships' logbooks, including fuel-changeover operations, ***as a condition of ships' entry into Union ports.***

5. Member States shall require the correct completion of ships' logbooks, including fuel-changeover operations, ***and, in the event of failure to comply with this requirement, shall adopt appropriate and proportionate sanctions in accordance with Directive 2009/16/EC of the European Parliament and of the Council on port State control.***

Or. fr

Justification

There needs to be a framework in place for the implementation of this directive, which must comply with the port State control system. Requiring log books to be completed as a precondition for entry into a port would be a disproportionate measure. A more balanced and flexible approach should therefore be taken, particularly regarding conditions of access for ships to EU ports.

Amendment 84

Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 6

Directive 1999/32/EC
Article 4 a – paragraph 6 – point (da) (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 are met;

Or. fr

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 85
Sabine Wils

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/E

Article 4b – paragraph 2 – point (a)

Text proposed by the Commission

Amendment

(a) whenever, according to published timetables, ships are due to be at berth for less than two hours;

deleted

Or. en

Justification

Given the large contribution of ship emissions on local air pollution in harbour cities (especially PM) and the concentration of population close the ports, the 0.1% fuel requirement should apply to all ships at berth, independently of the time that they spend berthed.

Amendment 86
Keith Taylor

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4b – paragraph 2 – point (a)

Text proposed by the Commission

Amendment

(a) whenever, according to published timetables, ships are due to be at berth for less than two hours;

deleted

Or. en

Amendment 87
Gesine Meissner

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

Or. en

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 88
Georgios Koumoutsakos

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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

Or. en

Amendment 89

Gesine Meissner

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4b – paragraph 3a (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 that required by this Directive, including any of the standards set forth in Articles 4a and 4b.

Or. en

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 90

Silvia-Adriana Țicău

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4ba (new)

Text proposed by the Commission

Amendment

Article 4ba

Availability of marine fuels

Member States shall take the measures necessary to ensure the balanced availability and distribution of marine fuels.

Or. ro

Amendment 91

Keith Taylor

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4ba (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 0.1% as from 1 January 2015;

- where the sulphur content does not exceed 0.5% as from 1 January 2020.

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

Or. en

Amendment 92

Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – point 2

Text proposed by the Commission

2. Ships using the emission abatement methods referred to in paragraph 1 shall ***continuously*** achieve reductions of sulphur dioxide emissions that are at least equivalent to the reductions that would be achieved by using marine fuels that meet the requirements of Articles 4a and 4b. The sulphur dioxide emissions resulting from the use of the emission abatement methods shall not exceed the limit values set out in Annex 1.

Amendment

2. Ships using the emission abatement methods referred to in paragraph 1 shall achieve reductions of sulphur dioxide emissions that are at least equivalent to the reductions that would be achieved by using marine fuels that meet the requirements of Articles 4a and 4b. The sulphur dioxide emissions resulting from the use of the emission abatement methods shall not exceed the limit values set out in Annex 1

Or. fr

Justification

If port States are to be flexible in the event of a temporary malfunction in a flue gas cleaning system, the requirement to show 'continuously' that reductions are achieved is disproportionate. The presence of such a system on board a ship should be considered as an emission reduction method, except where there are doubts about its effectiveness.

Amendment 93
Silvia-Adriana Țicău

Proposal for a directive - amending act
Article 1 – point 7 (new)
Directive 1999/32/EC
Article 4c, paragraph 2a (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.

Or. ro

Amendment 94
Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act
Article 1 – point 7
Directive 1999/32/EC
Article 4 c – paragraph 3

Text proposed by the Commission

Amendment

3. The emission abatement methods referred to in paragraph 1 shall comply with the criteria specified in the instruments referred to in Annex 2.1, unless superseded ***or supplemented*** by the criteria set out in Annex 2.2.

3. The emission abatement methods referred to in paragraph 1 shall comply with the criteria specified in the instruments referred to in Annex 2.1, unless superseded by the criteria set out in Annex 2.2.

Or. fr

Justification

'Supplemented' is not appropriate in this context of ensuring compliance, and introduces an unnecessary element of legal uncertainty given that 'superseded' is sufficiently clear. Additional criteria are a source of uncertainty and should be avoided.

Amendment 95
Gesine Meissner

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4c – paragraph 3a (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 the Port Reception Facilities Directive 2000/59/EC.

Or. en

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 96
Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 4 – introductory wording

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:

Or. fr

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 97

Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 4 – final subparagraph

Text proposed by the Commission

The Commission shall take into account, *inter alia*, scientific and technological progress *as well as the relevant instruments and standards adopted by the International Maritime Organisation.*

Amendment

The Commission shall *also* take into account scientific and technological progress.

Or. fr

Justification

Taking account of technical progress must not be a secondary issue but must be at the heart of the Commission's considerations.

Amendment 98

Edward Scicluna

Proposal for a directive - amending act

Article 1 – point 8a (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 the provisions set out in 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 paragraph 2 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.

6. The Commission shall, upon notification of unavailable fuel in a particular port, take any relevant measures to ensure that such a port

complies with this Directive."

Or. en

Amendment 99
Georgios Koumoutsakos, Spyros Danellis

Proposal for a directive
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 the provision set out in 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 paragraph 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."

Or. en

Amendment 100

Dominique Vlasto, Agnès Le Brun

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;

Or. fr

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 101
Sabine Wils

Proposal for a directive - amending act
Article 1 – point 10 – point (a)

Directive 1999/32/EC

Article 7 – paragraph 1

Text proposed by the Commission

1. Each year by 30 June, Member States shall, on the *basis* of the results of the sampling, analysis and inspections carried out in accordance with Article 6, *submit* a report *to* the *Commission* on the *compliance with the sulphur standards set out* in this Directive *for* the *preceding year*.

Amendment

1. Each year, by 30 June, *the* Member States shall *submit a report* on the *sulphur content* of the *liquid fuels falling within the scope of this Directive and used and marketed within their territory during the preceding calendar year. That report shall contain the* results of the sampling, analysis and inspections carried out in accordance with Article 6. *It shall include a record of the total number of samples tested by fuel type and shall indicate the corresponding quantity of fuel used, and the calculated average sulphur content. Member States shall also report the number of inspections made on board ships, and record the average sulphur content of marine fuels used in their territory which do not fall within the scope of this Directive on 11 August 2005. In addition, Member States shall report the total volumes of marine fuels marketed in their territories and the volumes of marine fuels marketed with a maximum sulphur content of respectively 1.00%, 0.50% and 0.10% by mass. Furthermore, Member States shall report annually on the availability on an appropriately balanced geographical basis of low sulphur marine fuels that are marketed within their territory.*

Or. en

Justification

Member States should inform the customers and the Commission about compliance with the rules set out in this Directive. This information should be made publically available. This

article recalls wording of the Article 8(3) of the Directive 98/70/EEC relating to the quality of petrol and diesel fuels.

Amendment 102

Keith Taylor

Proposal for a directive - amending act

Article 1 – point 10

Directive 1999/32/EC

Article 7 – paragraphs 2 and 3

Text proposed by the Commission

Amendment

(c) paragraphs 2 and 3 are deleted.

(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 (both 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; and

(f) the implementation of Articles 4c, 4d

and 4e.

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

*(h) the 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 SOx and
NOx 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

Or. en

Amendment 103
Keith Taylor

Proposal for a directive - amending act
Article 1 – point 10 – point ca (new)
Directive 1999/32/EC
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

*3a. In the context of the review of the EU
air quality legislation planned for 2013,
the Commission shall submit a report and,
if appropriate, a proposal for a
comprehensive quality standards for
marine fuel oil including specifications on
acidic and corrosive substances, ash
content, aluminium, silicon and other
metals such as iron and nickel.*

Or. en

Amendment 104
Peter van Dalen

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 European 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 this survey shows that water transport is being replaced by land transport, the European Commission shall submit an alternative legislative proposal which does not entail any switch from water to land transport.

Or. nl

Amendment 105

Sabine Wils

Proposal for a directive - amending act

Article 1 – point 10 – point c a (new)

Directive 1999/32/EC

Article 7 – paragraph 3a (new)

Text proposed by the Commission

Amendment

ca) the following paragraph 3a is inserted

3a. By 31 December 2015, the Commission shall report to the European Parliament and to the Council on the observed trends in air quality (both concentrations, exposure, and deposition of air pollutants) and in particular in shipping emissions of SO₂, NO_x and PM (including black carbon).

The Commission may consider submitting proposals to revise the sulphur limit

values laid down for each fuel category, as well as proposals aimed at reducing other air pollutants by sea-going ships or at introducing emission charges for air pollution in Europe, provided that environmental and health benefits can be clearly demonstrated.

Or. en

Justification

A review of this directive is needed to ensure that the provisions contained in this directive actually deliver the expected health and environmental improvements. It is also needed in order to ensure that standards are up-to-date with technical developments.

Amendment 106

Peter van Dalen

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 International Maritime Organisation decides before 1 January 2015 to amend Annex XI to the MARPOL Convention, the European Commission shall automatically submit a new proposal to incorporate this amendment into European law.

Or. nl

Amendment 107

Sabine Wils

Proposal for a directive - amending act
Article 1 – point 10 – point c c (new)
Directive 1999/32/EC
Article 7 – paragraph 3c (new)

Text proposed by the Commission

Amendment

3b. By 31 December 2015 at the latest, the Commission shall report to the European Parliament and to the Council on the possible adoption of comprehensive quality standard for marine fuel oil, including full specifications for marine fuel oils such as, inter alia, ash content, aluminium and silicon, other metals (iron, nickel and other metals), acidic and corrosive substances and chemicals.

In the context of the review of the EU air quality legislation planned for 2013, the Commission should consider submitting a proposal for a comprehensive fuel quality standard for marine fuel oil as a complementary measure to this Directive, provided that safety, environmental and health benefits can be clearly demonstrated.

Or. en

Justification

On several occasions, marine fuels have been found to contain waste substances such as used waste oils. Effective monitoring and sampling of ship fuels is thus a key factor in the reduction of air pollution. Given the multiple effects and interrelations between different fuel quality parameters, the Commission should research and make a proposal for a full quality standard for marine fuel oil along the lines of Directive 98/70/EC

Amendment 108
Edward Scicluna

Proposal for a directive - amending act
Article 1 – point 13
Directive 1999/32/EC
Article 9a– paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 4a(1a) and (2), 4c(4), 6(1), 7(1a) and 7(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **2** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **2** months at the initiative of the European Parliament or the Council.'

Amendment

5. A delegated act adopted pursuant to Articles 4a(1a) and (2), 4c(4), 6(1), 7(1a) and 7(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **3** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **3** months at the initiative of the European Parliament or the Council.'

Or. en

Justification

Extension of the time period for the transmission of delegated acts

Amendment 109
Jacqueline Foster

Proposal for a directive - amending act
Article 2 – point 1 a (new)
Directive 1999/32/EC
Annex

Text proposed by the Commission

Amendment

1a. The timeframe for transposition at EU level must mirror the timeframe and limits already agreed by the Member States at the International Maritime Organization.

Or. en

Amendment 110
Dominique Vlasto, Agnès Le Brun

Proposal for a directive - amending act

Annex

Directive 1999/32/EC

Annex 2 – paragraph 2 – point 2

Text proposed by the Commission

Amendment

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.

deleted

Or. fr

Justification

As set out here, the requirements go beyond the resolutions drawn up by the IMO, particularly the requirement to document risks to human health and the environment. It is essential to remain fully in line with Annex VI of MARPOL. Furthermore, this requirement is too broad and too general to be properly applied via the documentation supplied on board vessels.

Amendment 111

Georgios Koumoutsakos

Proposal for a directive - amending act

Annex

Directive 1999/32/EC

Annex 2 – paragraph 2 – point 2

Text proposed by the Commission

Amendment

– 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.“

– document thoroughly, ***by compliance with the wash water requirements in IMO Resolution MEPC.184(59)***, 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.“

Or. en

