



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2011/0190(COD)

16.12.2011

AMENDMENTS

22 - 207

Draft report
Satu Hassi
(PE475.799v01-00)

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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PE478.489v01-00

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United in diversity

EN

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Amendment 22
Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Article 191 of the Treaty on the Functioning of the European Union lays down that Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union.

Or. es

Amendment 23
Sabine Wils

Proposal for a directive
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 Union has not yet achieved its objectives regarding critical loads and levels.

Or. en

Justification

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

Amendment 24
Vladko Todorov Panayotov

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Emissions from shipping due to the combustion of marine fuels with a high sulphur content contribute to air pollution in the form of sulphur dioxide and particulate matter, which harm human health and contribute to acidification.

Amendment

(3) Emissions from shipping due to the combustion of marine fuels with a high sulphur content contribute to air pollution in the form of sulphur dioxide and particulate matter, which harm human health and ***the environment and*** contribute to ***the formation of acidic precipitates***.

Or. en

Justification

Sulphur dioxide itself (not as precursor of acidic precipitate) is harmful not only for the human health, but it is also a powerful corrosive agent with respect to metals and alloys, concrete, and carbonate-based historic monuments and rock-lining materials. For the sake of clarity – acidic precipitates are formed and they contribute to the acidification of surface water and soil.

Amendment 25

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Acidification occurs in SECAs designated by the IMO, where ecosystems are damaged if critical loads are exceeded and which must be protected owing to their particular vulnerability. European Union legislation therefore needs to be aligned with IMO decisions, and limit values for sulphur content should be more stringent in SECAs.

Or. es

Amendment 26
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 when it comes to their efforts to meet the Union'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 of the 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 high electricity demand compared to cargo ships.

Amendment 27
Marita Ulvskog

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Member States should support the development of infrastructure needed for shore-side electricity as the electricity for present day ships is usually provided by auxiliary engines.

Or. en

Amendment 28
Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Unilaterally extending SECA requirements to other sea areas in the European Union (Atlantic, Mediterranean and Black Sea), in which a significant proportion of maritime traffic is international, would have major economic repercussions and lead to 'sulphur leakage' without achieving any substantial environmental improvements. Involving third countries bordering on these sea areas in order to reduce the sulphur content of marine fuels can be achieved only through the IMO.

Or. es

Amendment 29
Sabine Wils

Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Emissions from land-based sources have been reduced, while air pollution from shipping is projected to increase dramatically. By approximately 2020, SO_x and NO_x emissions from shipping would, without further action, therefore be higher than emissions from all land-based sources.

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 to rapidly reduce SO_x emissions from shipping and also

address NOx emissions in the nearest future.

Amendment 30

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) Damage to human health as a consequence of air pollution in ports and nearby towns and cities should be remedied by using fuel with a maximum sulphur content of 0.10% by mass for docking and departure manoeuvres.

Or. es

Amendment 31

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

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 line with*** work within 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 32

Sabine Wils

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Whilst this Directive aims at reducing emissions from secondary particulate matter, the Commission should complement its effort to address air pollution from shipping by investigating measures to reduce emissions of primary particulate matter from ships, including abatement efficiencies, costs, benefits, and also the potential to reduce black carbon. After a review of available emission control measures for primary particulate matter and black carbon, the Commission shall, if appropriate, come forward with proposals for particulate matter and black carbon 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's 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, emissions will increase over the next few decades.

Amendment 33

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive
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 34
Sabine Wils

Proposal for a directive
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 incurred by

the introduction of more stringent sulphur standards for marine fuels.

Or. en

Amendment 35

Sabine Wils

Proposal for a directive

Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) Some types of SO_x 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.

Or. en

Justification

While SO_x 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 36

Riikka Manner, Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

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)

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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.

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. *The requirements laid down in the revised Annex VI to MARPOL for SECAs set the shipping industry and the users of shipping services at a disadvantage compared to other areas in the Union and also globally. Therefore, it is necessary to revise Annex VI to MARPOL one more time.* In order to ensure coherence with international law, *Union law* 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.

Or. en

Amendment 37 **Sampo Terho**

Proposal for a directive **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

Amendment

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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.

2010 *under* their international commitments. 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.

Or. fi

Justification

The EU is not a member of the International Maritime Organisation (IMO) and does not have to implement the revised MARPOL Annex VI as such.

Amendment 38

Christofer Fjellner

on behalf of the EPP Group

Proposal for a directive

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

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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.*

proper enforcement of new globally established standards.

Or. sv

Justification

When alternative emission cleaning methods are used, it is important [to measure] the sulphur content of the emissions, not of the fuel. If it is possible to use a fuel and clean the emissions so that all the criteria for emissions are met, this will boost the chances of implementing the decision. There is already public concern about a potential shortage of low-sulphur fuel, and not permitting [the use of] all fuel that can be cleaned will increase the risk of serious shortages.

Amendment 39

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Recital 6

Text proposed by the Commission

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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.

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 40

Vilja Savisaar-Toomast

Proposal for a directive

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

Amendment

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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.***

established sulphur standards in the Union, the provisions of Directive 1999/32/EC should be aligned with the revised Annex VI to MARPOL.

Or. et

Amendment 41
Marita Ulvskog

Proposal for a directive
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

Amendment

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the Union.

emission levels are introduced in the Union. Also, it is important to monitor the situation closely and to create solutions which would achieve a minimum level playing field. 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.

Or. en

Amendment 42
Ville Itälä

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In view of the health benefits of lower sulphur emissions, and to ensure that the sector is treated in the same way throughout the EU, the 0.10% limit should apply to the territorial waters of all Member States.

Or. fi

Amendment 43
Sabine Wils

Proposal for a directive
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 Union should adopt a more comprehensive and detailed

set of specifications so as to identify fully 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 44

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

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 45

Vilja Savisaar-Toomast

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In view of the health benefits of lower sulphur emissions, the Commission should consider extending the 0.10% limit to other seas bordering on Member States' land mass or extending that limit so as to cover a fixed distance from the EU coastline, and should draw up a firm timetable for its enforcement.

Or. et

Amendment 46
Vilja Savisaar-Toomast

Proposal for a directive
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) In order to ensure a minimum quality of fuel used by ships for either 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. That limit should apply only to fuel to be used to power ships and not to fuel being transported by ship.

Or. et

Amendment 47
Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive
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 **currently** required to use marine fuel with the same maximum sulphur content as is applicable in SECAs (1.5%). Given that **the MARPOL Convention establishes less strict** sulphur standards in **areas other than** SECAs **and there is a** need to improve air quality around ports and coasts in the non-SECA territories, **it is justified to apply new** standards to passenger ships **from 1 January 2020.**

Or. es

Amendment 48
Vladko Todorov Panayotov

Proposal for a directive
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 5 years in order to avoid potential problems with fuel availability **while allowing passenger**

ships to be equipped with a purification system.

Or. en

Justification

The epuration systems have proved to be an efficient way of reducing sulphur emissions while continuing research for introducing cleaner energy sources in maritime transport such as renewable energy.

Amendment 49

Kyriakos Mavronikolas, Eleni Theocharous

Proposal for a directive

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 *on regular services* 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.

Or. en

Amendment 50

Sabine Wils

Proposal for a directive

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 **4 years** in order to avoid potential problems with fuel availability.

Or. en

Amendment 51
Theodoros Skylakakis

Proposal for a directive
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 5 years in order to avoid potential problems with fuel availability. ***A further five-year exemption***

will apply in respect of transport services to and from island areas for which the resulting additional costs would have a devastating impact on local communities.

Or. el

Justification

As well as being of vital importance in providing transport services, passenger vessels are also essential to trade in island areas. Implementation of this provision with no concession being made for island areas would push up local prices and result in reduced ferry services, while the economic and social consequences would be such as to far outweigh any environmental benefit.

Amendment 52

Elisabetta Gardini, Salvatore Tatarella

Proposal for a directive

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. **Passenger ships on regular services** are required to use marine fuel with **a** maximum sulphur content **of** 1.5%.

Justification

The EU should refrain from introducing new elements or requirements incorporated in the revised Directive 1999/32/EC that go over and beyond the ones agreed in MARPOL Annex VI.

Amendment 53

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive**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 **needs to be based on a full impact assessment. This assessment should take account of the cost-benefit ratio throughout the logistics chain, particularly the costs of refining, of investment in new technologies, and of producing sulphur-free fuels. It should also take into account the risk of a modal shift and the option of using alternative methods, such as equipping passenger ships with flue gas cleaning systems,** in order to avoid **predictable** problems with fuel availability **and any implementing difficulties.**

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 54 **Edward Scicluna**

Proposal for a directive **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

Justification

The ECC prefers the Commission proposal of a 5 year delay. However, the Rapporteur has proposed amendments to remove any delay. Providing a 3 year delay is a good way of finding a compromise.

Amendment 55 **Riikka Manner, Anneli Jäätteenmäki, Hannu Takkula**

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Having regard to the principle of equal treatment, EU health and environment policy proposals should treat EU citizens equally. Legislation regarding the internal market should be based on the principle of legal certainty. Member States with territorial seas must be bound by equal fuel quality requirements in order to ensure air quality benefits to the Member States whose coasts are not part of SECAs and to establish a minimum level playing field for the sector across the Union.

Or. en

Amendment 56
Satu Hassi

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to facilitate the transition to new engine technologies with the potential for significant further emission reductions in the maritime sector, the Commission should prepare without delay a comprehensive liquefied natural gas deployment strategy to enable and encourage the uptake of gas powered engines in ships.

Or. en

Amendment 57
Theodoros Skylakakis

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to ensure air quality benefits to the Member States whose coasts are not part of SECAs, the introduction of any new SECA should be debated on the basis of scientific data regarding its environmental and economic impact and only after its introduction has been examined and approved through the relevant IMO process.

Or. en

Justification

It is of particular importance to take into consideration the economic and environmental impact as well as the relevant discussions and agreements taken on an international level.

Amendment 58
Elisabetta Gardini, Salvatore Tatarella

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to ensure air quality benefits to the Member States whose coasts are not part of SECAs, the introduction of any new emission control areas should be subject to the IMO process under Annex VI to MARPOL and be underpinned by a well-founded case based on environmental and economic grounds and supported by scientific data, as stipulated in the Commission's Communication on the review of the implementation of Directive 1999/32/EC related to the Sulphur Content of Certain Liquid Fuels and on further pollutant emission reduction from maritime transport¹.

¹ COM(2011) 441 final.

Or. en

Justification

Emission control areas can only be established in EU law once they have been agreed internationally by the IMO. Furthermore, considering the geo political configuration of the Mediterranean sea and the multitude of third countries interested, on all maritime safety and protection of the environment matters, the EU seeks active cooperation with neighbouring countries under the auspices of the International Maritime Organisation (IMO) to ensure a level playing field in the seas bordering the EU.

Amendment 59
Salvatore Tatarella

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to ensure air quality benefits to the Member States whose coasts are not part of SECAs, the introduction of any new emission control areas should be subject to the IMO process under Annex VI to MARPOL and be underpinned by a well-founded case based on environmental and economic grounds and supported by scientific data.

Or. en

Justification

The introduction of any new Emission Control Areas should go through the IMO process under MARPOL Annex VI with a properly worked out case supported by scientific data on an environmental and economical basis.

Amendment 60
Kriton Arsenis, Andres Perello Rodriguez, Edite Estrela

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Islands and sparsely populated areas are exposed to particular challenges such as poor accessibility. Taking into account that territorial cohesion is an objective of the Union, a special derogation with regard to passenger ships is needed for Spain, for the Canary Islands, France, for the French Overseas Departments, Greece, for the whole or part of its territory, and Portugal, for the archipelagos of Madeira and Azores.

Or. en

Amendment 61
Sabine Wils

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) Proper enforcement of the obligations with regard to the sulphur content of marine fuels is necessary to achieve the aims of Directive 1999/32/EC. The experience from the implementation of that Directive has shown that there is a need for stronger monitoring and enforcement regime to ensure a proper implementation of the Directive. To that end, it is necessary that Member States ensure sufficiently frequent and accurate sampling of marine fuel placed on the market or used on board ship as well as regular verification of ships' log books and bunker delivery notes. It is also necessary that they establish a system of effective, proportionate and dissuasive penalties for non-compliance with the provisions of Directive 1999/32/EC. In

(8) Proper enforcement of the obligations with regard to the sulphur content of marine fuels is necessary to achieve the aims of Directive 1999/32/EC. The experience from the implementation of that Directive has shown that there is a need for stronger monitoring and enforcement regime to ensure a proper implementation of the Directive. To that end, it is necessary that Member States ensure sufficiently frequent and accurate sampling of marine fuel placed on the market or used on board ship as well as regular verification of ships' log books and bunker delivery notes. It is also necessary that they establish a system of effective, proportionate and dissuasive penalties for non-compliance with the provisions of Directive 1999/32/EC. In

order to ensure more transparency of information, it is also *appropriate* to provide that the register of local suppliers of marine fuel is made publicly available.

order to ensure more transparency of information, it is also *necessary* to provide that the register of local suppliers of marine fuel is made publicly available.

Or. en

Amendment 62
Judith A. Merkies, Kathleen Van Brempt

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Implementation and enforcement of this Directive has been highlighted as a concern. In order to ease monitoring of compliance, all ships should be required to install tamper-proof equipment for the continuous monitoring of funnel gas emissions of SO₂, NO_x (and PM) and use it throughout their stay in EU waters, including the territorial seas of Member States . The data collected by this equipment should be kept on board and be provided to the relevant authorities on request.

Or. en

Amendment 63
Vilja Savisaar-Toomast

Proposal for a directive
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 emission abatement methods. In particular the Commission and Member States should refrain from acting against firms which are making genuine efforts to comply with the rules. Member States should ensure, in accordance with Regulation 18 of MARPOL Annex VI, that the availability of fuel with a sulphur content conforming to the standards is guaranteed equally in terms of regions and to any persons wishing to use it.

Or. et

Amendment 64

Sabine Wils

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Reporting by Member States under Directive 1999/32/EC has proved insufficient for the purpose of verification of compliance with the provisions of the Directive due to the lack of harmonized and sufficiently precise provisions on the content and the format of the Member States' reports. Therefore, more detailed indications as regards the content and the format of the report *are necessary* to ensure a more harmonised reporting.

Amendment

(9) Reporting by Member States under Directive 1999/32/EC has proved insufficient for the purpose of verification of compliance with the provisions of the Directive due to the lack of harmonized and sufficiently precise provisions on the content and the format of the Member States' reports. Therefore, *the Commission shall adopt binding implementing legislation pursuant to this Directive establishing* more detailed indications as regards the content and the format of the report to ensure a more harmonised reporting.

Or. en

Justification

Strengthening the reporting requirements is particularly important for the functioning of the directive and experience has shown that so far there is too much confusion regarding reporting. It is therefore important that the Commission adopt binding implementing rules –

instead of voluntary guidelines - as soon as possible.

Amendment 65

Riikka Manner, Carl Haglund, Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Recital 11

Text proposed by the Commission

(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 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.

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, ***and therefore it is necessary to allow a transitional period in SECAs in order to ensure the equal treatment of Member States in the single market. Furthermore it is necessary to allow*** 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 compliance with the new fuel quality standards, particularly with respect to possible modal backshift from sea to land based transport, ***and will, if necessary, take appropriate measures to alleviate the situation.***

Or. en

Amendment 66

Sampo Terho, Ville Itälä

Proposal for a directive
Recital 11

Text proposed by the Commission

(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 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.

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, *on the basis* inter alia of reports from Member States, closely 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. ***The Commission should allow the possibility of deferral at national level, taking into account the Member States' specific geographical features and the importance of sea transport for their trade.***

Or. fi

Amendment 67
Eija-Riitta Korhola

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Complying with the low fuel sulphur limits, particularly in SECAs, ***can*** result in a significant increase in the price of marine

Amendment

(11) Complying with the low fuel sulphur limits, particularly in SECAs, ***will*** 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 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.

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. *It is therefore important to grant in SECAs additional time to comply with the stricter requirements laid down in this Directive and in general to safeguard a level playing field at a global level.* 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. *Allowing and providing support, such as state aids and Union funding tools, is also necessary. The Commission will monitor the implementation of the 2008 reform of Annex VI to MARPOL, and in particular, whether it is possible to comply with sulphur content limits for technical, economic and for fuel availability reasons in SECAs.*

The Commission will, based inter alia on reports from Member States, *also report at the latest by 2013 to the Parliament and Council about the impacts on the shipping sector and on users of shipping services. Monitoring of* the shipping sector's compliance with the new fuel quality standards *is also needed*, particularly with respect to possible modal backshift from sea to land based transport *and the environmental impacts of a modal shift.*

Or. en

Amendment 68
Sabine Wils

Proposal for a directive
Recital 11

Text proposed by the Commission

(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 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.

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 the industries in the countries bordering SECAs. Suitable solutions are necessary in order to reduce compliance costs for the affected industries ***while also*** providing support, where necessary. The Commission will, based inter alia on reports from Member States, closely 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.

Or. en

Amendment 69
Werner Kuhn

Proposal for a directive
Recital 11

Text proposed by the Commission

(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

Amendment

(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

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

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

Or. de

Amendment 70
Radvilė Morkūnaitė-Mikulėnienė

Proposal for a directive
Recital 11

Text proposed by the Commission

(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 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.

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 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 *and propose compensatory*

measures.

Or. en

Amendment 71
Ville Itälä, Sampo Terho

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In view of the economic situation and possible adverse effects of this Directive, the Commission should propose specific support measures for the sectors concerned before the Directive enters into force.

Or. fi

Amendment 72
Rolandas Paksas

Proposal for a directive
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. In SECAs (particularly in the Baltic and North Seas) special measures should be applied and additional funds should be granted to guarantee compliance with fuel standards.

Or. It

Amendment 73
Ville Itälä, Sampo Terho

Proposal for a directive
Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) The Commission should allow the possibility of vessel-related deferral if the continued operation of a given older seagoing ship under the new standards is manifestly and with good reason not economically viable.

Or. fi

Amendment 74
Riikka Manner, Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive
Recital 12

Text proposed by the Commission

Amendment

(12) Access to emission abatement methods should be facilitated. Those methods can provide emission reductions at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas

(12) Access to emission abatement methods should be facilitated. Those methods can provide emission reductions at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas

(LNG) should be recognised in the Union. It is important to promote testing and development of new emission abatement methods.

(LNG) should be recognised in the Union. It is important to promote testing and development of new emission abatement methods, ***in order to, among other reasons, avoid environmentally counter-productive modal shifts from short sea shipping to trucks.***

Or. en

Amendment 75

Daciana Octavia Sârbu, Claudiu Ciprian Tănăsescu

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Access to emission abatement methods should be facilitated. Those methods can provide emission reductions at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas (LNG) should be recognised in the Union. It is important to promote testing and development of new emission abatement methods.

Amendment

(12) Access to emission abatement methods should be facilitated. Those methods can provide emission reductions at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, ***or on human health***, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas (LNG) should be recognised in the Union. It is important to promote ***and financially assist the*** testing and development of new emission abatement methods.

Or. en

Amendment 76

Kyriakos Mavronikolas, Eleni Theoharous

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Access to emission abatement methods should be facilitated. Those methods can provide emission reductions at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas (LNG) should be recognised in the Union. It is important to promote testing and development of new emission abatement methods.

Amendment

(12) Access to emission abatement methods should be facilitated. Those methods can provide emission reductions at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems *or CO₂ emissions*, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas (LNG) should be recognised in the Union. It is important to promote testing and development of new emission abatement methods.

Or. en

Amendment 77

Marita Ulvskog

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Access to emission abatement methods should be facilitated. Those methods can provide emission reductions

Amendment

(12) Access to emission abatement methods should be facilitated *and supported through incentives*. Those

at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas (LNG) should be recognised in the Union. It is important to promote testing and development of new emission abatement methods.

methods can provide emission reductions at least equivalent to, or even greater than, those achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, and that they are developed subject to appropriate approval and control mechanisms. The criteria for use of emission abatement methods should be established either by the IMO, subject to supplementation or amendment by the Commission Decision or, in the absence of the IMO instruments, by the European Commission. The already known alternative methods, such as the use of on-board exhaust gas cleaning systems or the mixture of fuel and liquefied natural gas (LNG) should be recognised in the Union. It is important to promote testing and development of new emission abatement methods *and to secure their cost efficiency and availability on a large scale.*

Or. en

Amendment 78
Theodoros Skylakakis

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Any financial incentives by Member States for emission abatement methods that achieve emissions reductions which are at least equivalent to those achieved through the use of low sulphur fuels, should take account of the investments made prior to the adoption of this Directive, provided that the equipment complies with the IMO criteria.

Or. en

Justification

The date on which the investments will stop should not be irrelevant to the date of adoption of the present Directive and should not undermine current legal investments.

Amendment 79
Elisabetta Gardini

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Member States should ensure the availability and balanced distribution of compliant fuel 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 (for example, those lacking in the physical distribution of compliant fuel), the ship should be permitted to invoke the exemption as provided for under Regulation 18 of the revised Annex VI to MARPOL. The ship should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.

Or. en

Justification

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. The ship should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.

Amendment 80
Marita Ulvskog

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) To encourage the use of alternative fuels such as liquefied natural gas, ports must be able to distribute it in a satisfactory and safe manner. Increased investments in new facilities and infrastructure to meet these demands should be promoted. Union transport funding instruments like TEN-T and Marco Polo should be reviewed, to help develop and build the necessary infrastructure.

Or. en

**Amendment 81
Rovana Plumb**

**Proposal for a directive
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(12a) Given the difficulties experienced by Member States in achieving air quality targets established in Union law and the gap that still exists between those targets and the recommendations of the World Health Organisation, the Commission should assist in preparing the necessary analysis for an application to the IMO for a designation of additional European sea areas as SECAs, namely in the Mediterranean, the North-east Atlantic and the Black Sea. The Commission should also investigate the merits of designating European sea areas as NOx Emission Control Areas.

Or. ro

(Recital 12a (new), Directive 1999/32/EC)

Justification

This amendment would make it possible to obtain significant benefits for the environment and for the health of citizens across the European Union.

Amendment 82
Salvatore Tatarella

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) It is advisable to require Member States to apply "no special fee" policies to effluents from exhaust gas cleaning systems in ports to ensure proper care of any wastes from the use of alternative abatement methods.

Or. en

Justification

When applied, a fair and transparent application of the no-special fee system is required according to the EU Port Reception Facilities Directive 2000/59/EC requirements.

Amendment 83
Radvilė Morkūnaitė-Mikulėnienė

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) In order to encourage early adoption of emission abatement methods achieving at least the same reductions in sulphur emissions as laid down in this Directive, alternatives, such as the use of on-board exhaust gas cleaning systems and LNG technologies, should be promoted by the Union and Member States through appropriate financial

incentives.

Or. en

Amendment 84
Vilja Savisaar-Toomast

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The use of liquefied natural gas (LNG) virtually eliminates sulphur emissions. New rules for ships powered by liquefied natural gas are expected to enter into force in 2014 along with the revised International Convention for the Safety of Life at Sea (SOLAS). Member States should pay particular attention to the need to ensure the safety and availability of LNG-powered ships while preventing the revised SOLAS Convention from creating needless obstacles to the use of that fuel.

Or. et

Amendment 85
Theodoros Skylakakis

Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) Member States should ensure the availability and balanced distribution of compliant fuel in accordance with Regulation 18 of the revised Annex VI to MARPOL, taking into consideration the economic and environmental cost of deviation from the ship's intended voyage.

Justification

The economic and environmental impacts of such a provision should be taken into account.

Amendment 86
Marita Ulvskog

Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) In order to facilitate investment decisions being made in a timely manner, incentives should support early adaptation. To avoid the potential risk of modal backshift and to limit competitive disadvantages it is necessary to introduce Member State funding programmes for the implementation of new requirements regarding the use of low-sulphur fuel.

Or. en

Amendment 87
Marita Ulvskog

Proposal for a directive
Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) Alternative abatement methods such as scrubbers could generate waste that should not be discharged in the sea. The Commission should therefore adopt common guidelines to ensure proper care of any such waste.

Or. en

Amendment 88
Vladko Todorov Panayotov

Proposal for a directive
Recital 13

Text proposed by the Commission

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

Amendment

(13) In order to determine the date of the application of 0.50% sulphur limit **in conformity with the IMO decision**, 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/EC¹ 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.

¹ *OJ L 241, 29.8.1998, p. 27.*

Or. en

Justification

IMO has already envisaged a review to be completed by 2018 to determine the availability of fuel oil to comply with the fuel oil standard of 0.50% sulphur limit which shall take into account all relevant elements for a comprehensive study. Based on this global review the date of introducing the 0.50% sulphur containing fuel will be confirmed by IMO to be 2020 OR it will be postponed for 2025. IF Europe introduces this date earlier, this will be additional financial burden to EU companies and harbours without real significant worldwide effect with respect to decreasing the air pollution.

Amendment 89

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In order to determine the date of the 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

Amendment

(13) In order to determine the date of the 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 *in conformity with* the decision of the IMO, approval of new emission

methods not covered by Council Directive 96/98/EC 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 not covered by Council Directive 96/98/EC 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. es

Amendment 90

Kyriakos Mavronikolas, Salvatore Tatarella, Eleni Theocharous

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In order to determine the date of the 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

Amendment

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

the date from which the maximum sulphur content of fuel of 0.50% by mass should apply in the Union, 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 91
Sabine Wils

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to determine the date of the 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

Amendment

(13) In order to determine the date of the application of **0.10%** 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.

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 **0.10%** 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.

Or. en

Amendment 92

Riikka Manner, Carl Haglund, Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Considering the global dimension of environmental politics and shipping emissions, this Directive encourages the Union and its Member States to actively advance, in the IMO, the objective of

achieving uniform emission standards for all maritime areas of the world.

Or. en

Amendment 93
Christofer Fjellner

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The Commission and the Member States should work by common accord to achieve common and fully harmonised emissions standards and rules on sulphur emissions from maritime transport throughout the EU. Since this may require further decisions in the IMO, the Commission should give the Member States support and encouragement in their contacts with the IMO.

Or. sv

Justification

In the interest of predictability it is important that the IMO decision should be adjusted to bring it into line with the way in which the EU chooses to implement the decision. There needs to be predictability in the agreements made within the IMO, not least in order to ensure that technology is developed and investments are made.

Amendment 94
Elisabetta Gardini

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Due account should be taken of the Council Conclusions on Impact

Assessment adopted at the 5-6 December 2011 Competitiveness Council, which recall that the Inter-Institutional Agreement on better law making and the following Inter-Institutional Common Approach to Impact Assessment provide that the European Parliament and the Council undertake to carry out impact assessments when they consider this to be appropriate and necessary prior to the adoption of any substantive amendment. Furthermore, the Council Working Parties, in line with the Common Approach to Impact Assessments should be encouraged to make use of the possibility to invite the Commission to complement its original impact assessment taking into account inter alia relevant information presented by the Member States and to assist in the Council's impact assessment work.

Or. en

Justification

With the aim at identifying possible alternatives and reach a properly considered and informed decision, it should be taken due account of the Conclusions on Impact Assessment of the Council of the European Union (3133rd COMPETITIVENESS, 5 and 6 December 2011) recalling the Inter-Institutional Common Approach to Impact Assessment which provides that the European Parliament and the Council undertake to carry out Impact Assessments when they consider this to be appropriate and necessary prior to the adoption of any substantive amendment.

Amendment 95

Riikka Manner, Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 1 – point 2 – point -a (new)

Directive 1999/32/EC

Article 2 – point 3

Text proposed by the Commission

Amendment

-a. point 3 is replaced by the following:

3. *marine fuel* means any petroleum-derived liquid fuel, as well as bio-fuels, intended for use or in use on board a vessel, including those fuels defined in ISO 8217. It includes any petroleum-derived liquid fuel in use on board inland waterway vessels or recreational craft, as defined in Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery and Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, when such vessels are at sea;

Or. en

Justification

The use of the bio-fuels is already today technically possible and fuels are available also for the vessels. Therefore the directive should be clear on it's wordings on also allowing bio-flues to be used.

Amendment 96

Elisabetta Gardini, Salvatore Tatarella

Proposal for a directive

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,

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, that is verifiable, quantifiable and enforceable;

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, **according to emission abatement methods agreed upon in the IMO;**

Or. en

Justification

The aim of this proposal should be to transpose the revised MARPOL rules into EU legislation. Adding the verifiable, quantifiable and enforceable elements goes beyond MARPOL and can create unnecessary legal complications, e. g. for type approved exhaust gas scrubbers.

Amendment 97

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

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 emissions abatements methods.

Amendment 98
Sabine Wils

Proposal for a directive

Article 1 – point 3 – point a

Directive 1999/32/EC

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) in combustion plants which fall within the scope of Chapter III of Directive 2010/75/EU of the European Parliament and of the Council, and which comply with the emission limits for sulphur dioxide for such plants as set out in Annex V of that Directive or, where those emission limit values are not applicable according to that Directive, for which the monthly average sulphur dioxide emissions do not exceed **1 700** mg/Nm³ at an oxygen content in the flue gas of 3 % by volume on a dry basis;

Amendment

(a) in combustion plants which fall within the scope of Chapter III of Directive 2010/75/EU of the European Parliament and of the Council, and which comply with the emission limits for sulphur dioxide for such plants as set out in Annex V of that Directive or, where those emission limit values are not applicable according to that Directive, for which the monthly average sulphur dioxide emissions do not exceed **850** mg/Nm³ at an oxygen content in the flue gas of 3 % by volume on a dry basis;

Or. en

Amendment 99
Sabine Wils

Proposal for a directive

Article 1 – point 3 – point a

Directive 1999/32/EC

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) in combustion plants which do not fall under point (a), and the monthly average sulphur dioxide emissions of which do not exceed **1 700** mg/Nm³ at an oxygen content in the flue gas of 3 % by volume on a dry basis;

Amendment

(b) in combustion plants which do not fall under point (a), and the monthly average sulphur dioxide emissions of which do not exceed **850** mg/Nm³ at an oxygen content in the flue gas of 3 % by volume on a dry basis;

Or. en

Amendment 100
Sabine Wils

Proposal for a directive
Article 1 – point 3 – point a
Directive 1999/32/EC
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) for combustion in refineries, where the monthly average of emissions of sulphur dioxide averaged over all combustion plants in the refinery, irrespective of the type of fuel or fuel combination used, but excluding plants falling under point (a), gas turbines and gas engines, do not exceed **1700** mg/Nm³ at an oxygen content in the flue gas of 3 % by volume on a dry basis.

Amendment

(d) for combustion in refineries, where the monthly average of emissions of sulphur dioxide averaged over all combustion plants in the refinery, irrespective of the type of fuel or fuel combination used, but excluding plants falling under point (a), gas turbines and gas engines, do not exceed **850** mg/Nm³ at an oxygen content in the flue gas of 3% by volume on a dry basis.

Or. en

Amendment 101
Sabine Wils

Proposal for a directive
Article 1 – point 3 – point a
Directive 1999/32/EC
Article 3 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Member States shall take the necessary measures to ensure that any combustion plant using heavy fuel oil with a sulphur concentration greater than that referred to in paragraph 1 is not operated without a permit issued **by a competent authority, which specifies the emission limits.**

Amendment

Member States shall take the necessary measures to ensure that any combustion plant using heavy fuel oil with a sulphur concentration greater than that referred to in paragraph 1 is not operated without a permit issued ***in accordance with Articles 14 and 24 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control).***

Or. en

Justification

The limits for SO₂ emissions should be adapted to the less strict values of 850 mg/Nm³ as set under the Industrial Emissions Directive 2010/75 for existing peak load derogation combustion plants with a total rated thermal input not exceeding 300MW. Combustion plants may either redirect high sulphur fuels to those plants that provide best sulphur recovery or desulphurisation equipment or they should either install abatement techniques or mix with low sulphur content fuels in order to achieve these emission reductions. Permits should be set according to established procedures subject to public participation.

Amendment 102

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Article 1 – point 4

Directive 1999/32/EC

Article 3 a

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 or placed on the market within their territory if their sulphur content exceeds 3.5 % by mass, ***except for fuels intended for supply to ships using the emission abatement methods referred to in Article 4c.***

Or. es

Amendment 103

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Article 1 – point 4

Directive 1999/32/EC

Article 3 a

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 if their sulphur content exceeds 3.5 % by mass, ***except in vessels equipped with a flue gas cleaning system.***

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 104
Oreste Rossi

Proposal for a directive
Article 1 – point 4
Directive 1999/32/EC
Article 3 a

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.

Justification

In order to avoid market distortions, and to be in line with IMO/MARPOL's requirements, EU suppliers should be able to sell marine fuels with higher sulphur content as these may still be used by ships when the ship is equipped with emission abatement facilities allowing to achieve equivalent compliance in the emission limit. Moreover, EU fuel suppliers shall be allowed to sell marine fuel blendstock with sulphur content higher than 3.5%, for use after blending with lower sulphur component.

Amendment 105
Salvatore Tatarella, Kyriakos Mavronikolas

Proposal for a directive
Article 1 – point 4
Directive 1999/32/EC
Article 3 a

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. en

Justification

In order to avoid market distortions, and to be in line with IMO/MARPOL's requirements, EU suppliers should be able to sell marine fuels with higher sulphur content as these may still be used by ships when the ship is equipped with emission abatement facilities (scrubbers) allowing to achieve equivalent compliance in the emission limit.

Amendment 106
Sabine Wils

Proposal for a directive
Article 1 – point 6 – point a
Directive 1999/32/EC
Article 4 a – 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

Or. en

Amendment 107
Sari Essayah

Proposal for a directive
Article 1 – point 6 – point b

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

Text proposed by the Commission

Amendment

(a) 1.00 % until **31 December 2014**;

(a) 1.00% until **31 December 2019**;

Or. fi

Amendment 108
Martin Callanan, Jacqueline Foster

Proposal for a directive
Article 1 – point 6 – point b

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

Text proposed by the Commission

Amendment

(b) 0.10 % as from 1 January 2015.

deleted

Or. en

Justification

The Commission proposal goes far beyond the internationally agreed sulphur limits (MARPOL Annex VI) and is, in effect, creating a European wide ECA for passenger ships. The introduction of any new ECA should go through the IMO process under MARPOL Annex VI. If it can be demonstrated that there is an environmental or human health reason to reduce further from 0.5% to 0.1% then a case should be made in the IMO for an extension on ECAs in the EU.

Amendment 109
Sari Essayah

Proposal for a directive
Article 1 – point 6 – point b

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

Text proposed by the Commission

Amendment

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

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

Amendment 110
Sampo Terho, Ville Itälä

Proposal for a directive
Article 1 – point 6 – point b
Directive 1999/32/EC
Article 4 a – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Amendment 111
Christofer Fjellner

Proposal for a directive
Article 1 – point 6 – point b
Directive 1999/32/EC
Article 4 a – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

(b) **0.50** % as from 1 January 2015.

Justification

Maritime sulphur emissions are a major environmental and health problem throughout the EU. In order to achieve maximum emission reductions and thus maximise health and environmental benefits, it is proposed to reduce sulphur emissions in two stages, synchronised throughout the EU. Confining the reductions to SECAs alone is insufficiently ambitious and is the wrong way to address a cross-border environmental problem. It would also mean neglecting some major issues, since large parts of the EU lie outside the SECAs. The transport industry should receive equal treatment just as equal treatment is given to health and environmental issues. The harmonised two-stage solution would thus succeed in resolving more problems than the Commission's original proposal.

Amendment 112
Christofer Fjellner

Proposal for a directive
Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4 a – paragraph 1 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 0.10 % by mass as from 1 January 2020.

Or. sv

Justification

Maritime sulphur emissions are a major environmental and health problem throughout the EU. In order to achieve maximum emission reductions and thus maximise health and environmental benefits, it is proposed to reduce sulphur emissions in two stages, synchronised throughout the EU. Confining the reductions to SECAs alone is insufficiently ambitious and is the wrong way to address a cross-border environmental problem. It would also mean neglecting some major issues, since large parts of the EU lie outside the SECAs. The transport industry should receive equal treatment just as equal treatment is given to health and environmental issues. The harmonised two-stage solution would thus succeed in resolving more problems than the Commission's original proposal.

Amendment 113
Eija-Riitta Korhola

Proposal for a directive
Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4 a – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from point (b), fuel with a sulphur content in excess of 0,10% may be used within SOx Emission Control Areas to mitigate the competitive disadvantages suffered by Member States bordering SOx Emission Control Areas until it is ensured that there are generally available on the market:

a) fuel of 0,10% sulphur content with competitive, comparable and reasonable costs, and

b) proven, appropriate and accessible emission abatement methods.

During this transitional period the sulphur limit shall be 1,00%.

The requirements laid down in point (b) shall be fully respected at the latest by 2025.

Or. en

Justification

It is necessary to include in the Directive a specific transitional provision, which applies, if in year 2015 an appropriate technology or fuel is not generally available on the market with competitive and reasonable costs. If the implementation is in practice only possible by changing the fuel's sulphur content, this will lead to a shift from heavy fuel oil to diesel oil. This in turn will significantly increase the costs to the Northern sea areas' export and import industries and seriously distort competition within the EU Single Market.

Amendment 114 **Holger Krahrmer, Christofer Fjellner**

Proposal for a directive
Article 1 – point 6 – point b
Directive 1999/32/EC
Article 4 a – 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 ***with the exception of ships which are granted an exemption from the requirements under Annex VI to MARPOL.***

This exemption may be granted on a one-time basis for a limited time only and shall not be extended beyond 31 December 2019.

Justification

The anticipated high price of compliant fuel and the unavailability of technical alternatives for existing ships in time for the deadline of 1 January 2015 will make compliance economically and technically difficult or even impossible. A modal shift from sea to road is highly probable. Member States should have the possibility to address effects that are contrary to their ecological, public health or employment objectives.

Amendment 115**Elisabetta Gardini****Proposal for a directive****Article 1 – paragraph 1 – point 6 – point b**

Directive 1999/32/EC

Article 4 a – 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 ***with the exception of ships that are granted an exemption from the requirements under Annex VI to MARPOL.***

Justification

The problem of modal shift to transport by trucks and the non timely availability of technological equivalent measures should not be underestimated, and, conversely, the availability of alternative solutions that prevent modal back shift should not be overestimated. It is therefore suggested to have a (proactive) monitoring of effects by Member States and to have mitigating options in place well in advance to 2015. The revised Directive should expressly allow Member States to address in the framework of IMO the adverse environmental/health consequences of a modal shift.

Amendment 116**Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun**

Proposal for a directive

Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4 a – 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, ***in accordance with the exemption mechanisms contained in Annex VI of MARPOL.***

Or. fr

Justification

Annex VI of MARPOL provides for exemption mechanisms, limited in time and space, aimed in particular at avoiding any risk of a retrograde modal switch. This option provided by the IMO needs to be highlighted in order to ensure that the directive is in line with MARPOL.

Amendment 117

Werner Kuhn

Proposal for a directive

Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4 a – 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 (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.***

Or. de

Amendment 118

Riikka Manner, Carl Haglund, Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4 a – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

A transitional period can be allowed in SECAs if there is no guaranteed availability of low-sulphur maritime fuel (sulphur content 0.10%) at a competitive cost and if there are no appropriate, economically feasible and tested emission cleaning methods available.

The transitional period may last until 31 December 2019. During the transitional period the sulphur content of fuel can be a maximum of 1.00%.

This paragraph may be reviewed, and if needed revised, in the light of any possible future change in Regulation 14(4) of Annex VI to MARPOL.

Or. en

Justification

In order to avoid environmentally counter-productive modal shifts and to avoid heavy costs and serious distortion of the competition in the internal market it is necessary to apply a transitional period and exemptions for SECA-areas. Maritime sector needs time to adapt to the stringent requirements of fuel. It is also necessary to ensure that there are appropriate emission cleaning methods available and low-sulphur fuel availability is guaranteed.

Amendment 119

Eija-Riitta Korhola

Proposal for a directive

Article 1 – point 6 – point b

Directive 1999/32/EC

Article 4 a – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States may adopt financial measures in favour of sectors or subsectors determined to be exposed to a risk of economic hardship due to the implementation of the requirements set out in Article 4a(1)(b) and to compensate for the costs of implementing those requirements.

The Commission shall adopt at the latest by the end of 2013 guidance on applicable state aid rules to be followed in this regard.

Or. en

Justification

Complying with lowering sulphur limits for marine fuel results significant increase of marine freight charges. That has severe negative impact on competitiveness of the industries that are depend on shipping services. SECA bordering Member states must be allowed to compensate temporarily by the state aids the costs for the enterprises that are under global competition and which are exposed to significant costs related to sulphur regulation.

Amendment 120

Kyriakos Mavronikolas, Eleni Theocharous

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1a – introductory part

Text proposed by the Commission

Amendment

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:

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:

Or. en

Justification

Addition is considered necessary for reasons of clarity

Amendment 121

Christofer Fjellner

on behalf of the EPP Group

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

(b) 0.50 % as from 1 January **2015**.

Or. sv

Justification

Maritime sulphur emissions are a major environmental and health problem throughout the EU. In order to achieve maximum emission reductions and thus maximise health and environmental benefits, it is proposed to reduce sulphur emissions in two stages, synchronised throughout the EU. Confining the reductions to SECAs alone is insufficiently ambitious and is the wrong way to address a cross-border environmental problem. It would also mean neglecting some major issues, since large parts of the EU lie outside the SECAs. The transport industry should receive equal treatment just as equal treatment is given to health and environmental issues. The harmonised two-stage solution would thus succeed in resolving more problems than the Commission's original proposal.

Amendment 122

Sabine Wils

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – subparagraph 1 – 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

Amendment 123
Elisabetta Gardini, Salvatore Tatarella

Proposal for a directive
Article 1 – point 6 – point c
Directive 1999/32/EC
Article 4 a – paragraph 1 a – subparagraph 1 – 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

Justification

The Commission proposes to establish the date of 2020 for 0.5% outside ECAs and empowers the Commission to fix a later date “based on the assessment made in IMO”. The decision to be made in IMO following the review to determine the availability, whether the new standard will become effective in 2020 or 2025, should be strictly reflected in the revised Directive.

Amendment 124
Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive
Article 1 – point 6 – point c
Directive 1999/32/EC
Article 4 a – paragraph 1 a – subparagraph 1 – 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, paragraph 8 of Annex VI to 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 125

Theodoros Skylakakis

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – subparagraph 1 – 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

Justification

The date for setting the 0.5% limit into effect should take into consideration factors such as fuel availability as well as improvements in ship-building technology and abatement methods.

Amendment 126

Oreste Rossi

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – subparagraph 1 – 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

Justification

The Directive should avoid any ambiguity and should ensure that the choice of the date will

be made in conformity with IMO conclusions. Considering the impact on EU refining industry of such decision, it is essential that a full alignment between IMO and EU is maintained.

Amendment 127

Christofer Fjellner

on behalf of the EPP Group

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 0.10 % by mass as from 1 January 2020.

Or. sv

Justification

Maritime sulphur emissions are a major environmental and health problem throughout the EU. In order to achieve maximum emission reductions and thus maximise health and environmental benefits, it is proposed to reduce sulphur emissions in two stages, synchronised throughout the EU. Confining the reductions to SECAs alone is insufficiently ambitious and is the wrong way to address a cross-border environmental problem. It would also mean neglecting some major issues, since large parts of the EU lie outside the SECAs. The transport industry should receive equal treatment just as equal treatment is given to health and environmental issues. The harmonised two-stage solution would thus succeed in resolving more problems than the Commission's original proposal.

Amendment 128

Sabine Wils

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EG

Article 4 a – paragraph 1 a – 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

deleted

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.

Or. en

Amendment 129
Martin Callanan, Jacqueline Foster

Proposal for a directive
Article 1 – point 6 – point c
Directive 1999/32/EC
Article 4 a – paragraph 1 a – 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

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, **the** date **referred to in point (b)** shall be 1 January 2020 or 1 January 2025.

Or. en

Justification

Whilst the proposal refers to the IMO review of fuel availability, it does not explicitly state that the effective date for the application of the 0.5% fuel standard contained in the Directive will be the same date as that agreed upon by the IMO in the light of its review of fuel availability. The IMO recognised that fuel availability could be a serious problem in 2020 and that it would require significant investment by fuel refineries to produce enough compliant fuel. The Commission are not planning to conduct their own review of fuel

availability, so there is no point in giving the European Commission (under a delegated act no less) powers to deviate from the internationally agreed date determined in the forum of the IMO. Without conducting their own review – there are no circumstances where a deviation for the IMO decision would be justified.

Amendment 130

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – 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

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. ***This date shall be 1 January 2020 or 1 January 2025, in conformity with*** 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 ***and its corresponding decision, as laid down in Regulations 14(8) and 14(10)*** of Annex VI of MARPOL.

Or. es

Amendment 131

Elisabetta Gardini, Salvatore Tatarella

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – 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

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.

date from which the sulphur standard laid down in point (b) of this paragraph applies *in accordance with the final decision taken in the IMO*. Based on the assessment 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.

Or. en

Justification

The Commission proposes to establish the date of 2020 for 0.5% outside ECAs and empowers the Commission to fix a later date “based on the assessment made in IMO”. The decision to be made in IMO following the review to determine the availability, whether the new standard will become effective in 2020 or 2025, should be strictly reflected in the revised Directive.

Amendment 132

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Article 1 – point 6 – point c

Directive 1999/32/EC

Article 4 a – paragraph 1 a – 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

The Commission shall be empowered to adopt delegated acts in accordance with ***the decision of the IMO and with*** 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 133 **Oreste Rossi**

Proposal for a directive
Article 1 – point 6 – point c
Directive 1999/32/EC
Article 4 a – paragraph 1 a – 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

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. **In line with the assessment and the conclusions** 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.

Or. en

Justification

The Directive should avoid any ambiguity and should ensure that the choice of the date will be made in conformity with IMO conclusions. Considering the impact on EU refining industry of such decision, it is essential that a full alignment between IMO and EU is maintained.

Amendment 134 **Kyriakos Mavronikolas, Eleni Theocharous**

Proposal for a directive
Article 1 – point 6 – point d

Directive 1999/32/EC
Article 4 a – paragraph 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 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.

deleted

Or. en

Justification

There is no added value in the above proposal, since there is no real need for delegated acts upon decision of the IMO in accordance with Regulation 14(3)(2) of Annex VI to MARPOL, taking into account that by virtue any area agreed on the said framework will be considered part of the EU Law on the basis of Article 2.3.e. The enforcement of the existing Directive has not proved that such provision is necessary. Any potential proposal to IMO for the designation of new SECAs is a prerogative of the riparian state.

Amendment 135

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Article 1 – point 6 – point d

Directive 1999/32/EC

Article 4 a – paragraph 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 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.***

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 ***in conformity with the designation by the IMO in accordance with Regulation 14(3)(2) of Annex VI to MARPOL.***

Or. es

Amendment 136
Elisabetta Gardini

Proposal for a directive
Article 1 – point 6 – point d
Directive 1999/32/EC
Article 4 a – 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 be subject to the IMO process under Annex VI to MARPOL and be underpinned by a well-founded case based on the IMO criteria and on environmental and economic grounds and supported by scientific data.***

Or. en

Justification

The introduction of any new Emission Control Areas should go through the IMO process under MARPOL Annex VI with a properly worked out case supported by scientific data on an environmental and economical basis. In this respect, the new article 4a, §2 does not clearly indicate whether new SECAs adopted at IMO level will be automatically incorporated into the Directive, or whether any strictly EU process will empower the Commission to designate new SECA according to the IMO criteria after which the new SECA is submitted to IMO for acceptance.

Amendment 137
Theodoros Skylakakis

Proposal for a directive
Article 1 – point 6 – point d

Directive 1999/32/EC
Article 4 a – 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 SECA should be debated on the basis of scientific data regarding its environmental and economic impact and only after its introduction has been examined and approved through the relevant IMO process.***

Or. en

Justification

It is of particular importance to take into consideration the economic and environmental impact as well as the relevant discussions and agreements concluded on an international level.

Amendment 138

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Article 1 – point 6 – point d

Directive 1999/32/EC

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

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 139

Kathleen Van Brempt

Proposal for a directive

Article 1 – point 6 – point d a (new)

Directive 1999/32/EC

Article 4 a – paragraph 3

Text proposed by the Commission

Amendment

(da) paragraph 3 is replaced by the following:

„3. Member States shall be responsible for the enforcement of paragraphs 1, 1a and 4 at least in respect of:

- vessels flying their flag, and**
- vessels of all flags while in *Union* ports.**

Enforcement inspections shall be carried out at sufficient frequency so that at least 5% of all vessels calling at the ports of Member States are controlled once every three years.

Member States may also take additional enforcement action in respect of other vessels in accordance with international maritime law.”

Justification

This paragraph is based on the wording of the current Directive. It ensures that all standards (SECA, global and passenger standards) are enforced in the same way in all Member States.

It also provides a minimum number of inspections that needs to be done in order to ensure proper and harmonised enforcement of the limit values in Europe.

Amendment 140
Theodoros Skylakakis

Proposal for a directive
Article 1 – point 6 – point e
Directive 1999/32/EC
Article 4 a – 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:

(c) 1.5 %;

(d) 0.10 % as from 1 January 2020.

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 on regular services to or from any Union port if the sulphur content of those fuels by mass exceeds:

(c) 1.5%;

(d) 0.10% as from 1 January 2020.

An exemption from the provisions of this paragraph shall apply until 31 December 2025 in respect of transport services to and from island areas for which the resulting additional costs would have a devastating impact on local communities.

Or. el

Justification

As well as being of vital importance in providing transport services, passenger vessels are also essential to trade in island areas. Implementation of this provision with no concession being made for island areas would push up local prices and result in reduced ferry services, while the economic and social consequences would be such as to far outweigh any environmental benefit.

Amendment 141
Vilja Savisaar-Toomast

Proposal for a directive
Article 1 – point 6 – point e
Directive 1999/32/EC
Article 4 a – 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 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 **sailing** to or from any Union port if the sulphur content of those fuels by mass exceeds:

Or. et

Amendment 142
Christofer Fjellner
on behalf of the EPP Group

Proposal for a directive
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 from 1 January 2015;

Or. xm

Justification

Maritime sulphur emissions are a major environmental and health problem throughout the EU. In order to achieve maximum emission reductions and thus maximise health and environmental benefits, it is proposed to reduce sulphur emissions in two stages, synchronised throughout the EU. Confining the reductions to SECAs alone is insufficiently ambitious and is the wrong way to address a cross-border environmental problem. It would also mean neglecting some major issues, since large parts of the EU lie outside the SECAs. The

transport industry should receive equal treatment just as equal treatment is given to health and environmental issues. The harmonised two-stage solution would thus succeed in resolving more problems than the Commission's original proposal.

Amendment 143

Martin Callanan, Jacqueline Foster

Proposal for a directive

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.

deleted

Or. en

Justification

This provision is not in MARPOL Annex VI. One of the few issues which everyone can agree on is the need for certainty about which limits would apply and when they are going to come into force. It is important to maintain the deadlines agreed in 2008 – anything more will simply provide industry with an excuse to delay investment in the necessary new technology. This measure would distort competition between passenger ferry ships (i.e. any vessel with over 12 passengers) and freight ferries. Both carry trucks, but only the former would be subject to the new proposals. This would hasten a further decline in passenger ferries outside the ECAs.

Amendment 144

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

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.

(d) 0.50% as from 1 January 2020.

Or. es

Amendment 145
Sabine Wils

Proposal for a directive
Article 1 – point 6 – point e
Directive 1999/32/EG
Article 4 a – 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 146
Elisabetta Gardini

Proposal for a directive
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.

(d) **0.50%** as from 1 January 2020 **or 2025 in accordance with the final decision taken in the IMO. Based on the assessment 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.**

Or. en

Justification

The environmental / health value added from such a measure, which is considered as a designation of new SECAs by subterfuge, has not been properly demonstrated by the European Commission. These ships will be subject to the IMO global limit of 0.5% in 2020 or 2025, which will deliver a major emissions reduction. 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 147

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

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**.

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

0.5% 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 0.1% 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-effectiveness of a reduction to 0.1% as opposed to 0.5% before any final decision is taken. It is widely thought that the prescribed deadlines will be hard to comply with, and so compliance should take place in stages, on the basis of an impact assessment.

Amendment 148

Vilja Savisaar-Toomast

Proposal for a directive

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**.

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

Or. et

Amendment 149
Oreste Rossi

Proposal for a directive
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.

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

Or. en

Justification

This requirement should be kept at 0.5% as from 1 January 2020 or 2025, according to the global cap sulphur content enforcement date. The Impact Analysis shows that the compliance costs for using low sulphur fuel are at best in the same order as the expected benefits. Only through the use of abatement methods, costs may be lower. Similar standards should be applied to all vessels following the same calendar.

Amendment 150
Christofer Fjellner

Proposal for a directive
Article 1 – point 6 – point e a (new)
Directive 1999/32/EC
Article 4 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

ea. the following paragraph 4a is added:
4a. Notwithstanding Articles 3 and 4, a ship shall not be obliged to change its voyage plan (route, schedule) to achieve compliance. A ship shall notify the competent authorities of the next Union port of call and its own administration, if it cannot obtain compliant fuel. The authorities concerned shall inform the Commission. A ship shall demonstrate, by way of documentation, that it has attempted to achieve compliance but was unable to obtain compliant fuels, for

example, by providing evidence of placed or attempted fuel orders.

Such documentation shall be considered in the enforcement of this Directive. A Member State may desist from control measures if the ship can document that it attempted to obtain in good faith compliant fuel.

Or. en

Justification

In order to avoid environmentally counter-productive modal shifts and to avoid heavy costs and serious distortion of the competition in the internal market it is necessary to apply a transitional period and exemptions for SECA-areas. Maritime sector needs time to adapt to the stringent requirements of fuel. It is also necessary to ensure that there are appropriate emission cleaning methods available and low-sulphur fuel availability is guaranteed.

Amendment 151

Judith A. Merkies, Kathleen Van Brempt

Proposal for a directive

Article 1 – point 6 – point e

Directive 1999/32/EC

Article 4 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the event of non-compliance with the limits set in paragraphs 1, 1a and 4, and after examination of all pieces of evidence, authorities exercising Port State Control shall be empowered to detain the ship until the violation situation has been rectified.

Non-compliant vessels shall be required to de-bunker and be subject to a penalty of up to €25,000 for each violation per day.

Member States may also take additional enforcement action in accordance with international maritime law.

Or. xm

Justification

Maritime sulphur emissions are a major environmental and health problem throughout the EU. In order to achieve maximum emission reductions and thus maximise health and environmental benefits, it is proposed to reduce sulphur emissions in two stages, synchronised throughout the EU. Confining the reductions to SECAs alone is insufficiently ambitious and is the wrong way to address a cross-border environmental problem. It would also mean neglecting some major issues, since large parts of the EU lie outside the SECAs. The transport industry should receive equal treatment just as equal treatment is given to health and environmental issues. The harmonised two-stage solution would thus succeed in resolving more problems than the Commission's original proposal.

Amendment 152

Kriton Arsenis, Andres Perello Rodriguez, Edite Estrela

Proposal for a directive

Article 1 – point 6 – point e

Directive 1999/32/EC

Article 4 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By way of derogation from paragraph 4, for Spain, for the Canary Islands, France, for the French Overseas Departments, Greece, for the whole or part of its territory, and Portugal, for the archipelagos of Madeira and Azores, the sulphur content of these fuels by mass shall not exceed:

- 0,10 as from 1 January 2025

Or. en

Amendment 153

Christofer Fjellner

on behalf of the EPP Group

Proposal for a directive

Article 1 – point 6 – point e

Directive 1999/32/EC

Article 4 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. 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 ships to or from any Union port if the sulphur content of those fuels by mass exceeds:

(a) 1.5%;

(b) 0.50% as from 1 January 2015

(c) 0.10% as from 1 January 2020.

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

Or. en

Amendment 154

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

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 of 23 April 2009 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 155

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

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 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 156

Kyriakos Mavronikolas, Salvatore Tatarella, Eleni Theocharous

Proposal for a directive

Article 1 – point 6 a (new)

Directive 1999/32/EC

Article 4 a a (new)

6a. The following Article shall be inserted:

„Article 4aa.

Fuel Oil Availability

Notwithstanding the provisions contained in Articles 3, 3a and Article 4, 4a:

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

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

(b) provide evidence that it attempted to purchase 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 should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.

3. If a ship provides the information set out in paragraph 1, Member States shall take into account all relevant circumstances and the evidence presented 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 157
Sabine Wils

Proposal for a directive
Article 1 – point 7
Directive 1999/32/EC
Article 4 b – 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 158
Elisabetta Gardini

Proposal for a directive
Article 1 – point 7
Directive 1999/32/EC
Article 4 b – 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.

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 **0.50**% by mass.

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 159**Sabine Wils****Proposal for a directive****Article 1 – point 7**

Directive 1999/32/EC

Article 4 b – paragraph 3 a (new)

*Text proposed by the Commission**Amendment*

(3a) As from 1 January 2015, Member States shall take all necessary steps to align the sulphur content of marine fuels used by ships on inland waterways, in the territorial seas of the Union or by any ships at berth in Union ports with the values contained in Article 4(2) of the Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC.

Justification

Under the current regime, different sulphur limit values apply to ocean-going ships and inland vessels, even if they sail in the same estuary. This loophole needs to be closed and the limit values for ocean-going vessels should be aligned with the provisions on inland shipping and non-road mobile machinery currently enforced by the EU fuel quality directive. Given the local health effects of ship emissions (especially PM) and the concentration of populations in the coastal regions, it is necessary to take measures to reduce local air pollution. Similar sulphur standards for coastal and inland shipping are justified by the need to improve air quality around ports and coastal areas.

Amendment 160
Theodoros Skylakakis

Proposal for a directive
Article 1 – point 7
Directive 1999/32/EC
Article 4 b – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The power to adopt delegated acts shall be conferred on the Commission under Article 9a for up to six months after entry into force of this directive, enabling it to provide for the eventuality of there being no fuel available at a reasonable economic and environmental cost in the Member State where travel is taking place.

Or. el

Justification

This is to ensure the smooth implementation of the directive and prevent vessels being forced to change their routes so as to avoid incurring excessive costs as a result of the unavailability of fuel in a Member State.

Amendment 161
Christofer Fjellner
on behalf of the EPP Group

Proposal for a directive
Article 1 – point 7
Directive 1999/32/EC
Article 4 b a (new)

Text proposed by the Commission

Amendment

Article 4ba
Availability of marine fuels
1. Member States shall take the necessary

measures to ensure the availability and balanced distribution of marine fuels:

- where the sulphur content does not exceed 0.5 % as from 1 January 2015;

- where the sulphur content does not exceed 0.1 % as from 1 January 2020

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

Or. xm

Justification

Maritime sulphur emissions are a major environmental and health problem throughout the EU. In order to achieve maximum emission reductions and thus maximise health and environmental benefits, it is proposed to reduce sulphur emissions in two stages, synchronised throughout the EU. Confining the reductions to SECAs alone is insufficiently ambitious and is the wrong way to address a cross-border environmental problem. It would also mean neglecting some major issues, since large parts of the EU lie outside the SECAs. The transport industry should receive equal treatment just as equal treatment is given to health and environmental issues. The harmonised two-stage solution would thus succeed in resolving more problems than the Commission's original proposal.

Amendment 162

Elisabetta Gardini

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 b a (new)

Text proposed by the Commission

Amendment

Article 4ba

Equivalents

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 emissions reductions as that required by this Directive, including any of the standards laid down 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 163

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 1

Text proposed by the Commission

1. Member States shall allow the use of emission abatement methods by ships of all flags in their ports, territorial seas, exclusive economic zones and pollution control zones, as an alternative to using marine fuels that meet the requirements of Articles 4a and 4b, subject to the provisions of paragraphs 2 and 3.

Amendment

1. Member States shall allow the use of emission abatement methods by ships of all flags in their ports, territorial seas, exclusive economic zones and pollution control zones, as an alternative to using marine fuels that meet the requirements of Articles **3a**, 4a and 4b, subject to the provisions of paragraphs 2 and 3.

Or. es

Amendment 164

Oreste Rossi

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 1

Text proposed by the Commission

1. Member States shall allow the use of emission abatement methods by ships of all flags in their ports, territorial seas, exclusive economic zones and pollution control zones, as an alternative to using marine fuels that meet the requirements of Articles 4a and 4b, subject to the provisions of paragraphs 2 and 3.

Amendment

1. Member States shall allow the use of emission abatement methods by ships of all flags in their ports, territorial seas, exclusive economic zones and pollution control zones, as an alternative to using marine fuels that meet the requirements of Articles **3a**, 4a and 4b, subject to the provisions of paragraphs 2 and 3.

Or. en

Justification

The Commission proposal should also apply the equivalence principle contained in MARPOL, involving the use of scrubbers, to article 3a of its proposal.

Amendment 165

Martin Callanan, Jacqueline Foster

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 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.

Or. en

Justification

The deletion of "continuously" would ensure that scrubbers which may temporarily fall out of compliance are still permitted under the Directive. The deletion would also allow for the use of other compliance methods such as averaging. Industry is actively exploring the feasibility of averaging in certain geographic areas where it makes most sense, such as the North American ECA. Not all alternative compliance methods will achieve "continuous" reductions, but their overall health and environmental impact will, by definition, be equivalent to, or even better than, using compliant fuel. The European Parliament should ensure that the EU does not inadvertently close the door to further exploration of innovative solutions. The last sentence needs to be removed from Article 4c as it is specific only to the use of exhaust gas cleaning systems and would therefore be better placed in the relevant section of the table in Annex 2.

Amendment 166 **Christofer Fjellner**

Proposal for a directive

Article 1 – point 7 Directive 1999/32/EC
Article 4 c – paragraph 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. sv

Justification

The main purpose of alternative cleaning methods is to significantly reduce total emissions. New, as yet untested technology clearly entails a risk of operational problems. In order to make the fastest possible progress with emissions reductions, ships must be allowed to use technology that is so new that the operational safety of the cleaning system cannot be fully guaranteed.

Amendment 167
Elisabetta Gardini

Proposal for a directive
Article 1 – point 7
Directive 1999/32/EC
Article 4 c – paragraph 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 **consistently** 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.

Or. en

Justification

As an incentive to invest in scrubbing technology, the reference to continuous reduction achievement should not be referred to in the Directive. It should be taken into account that a ship could face temporary failures of the installed scrubbing equipment, or the performance of these equipments be reduced due to a heavy load placed on the engine that results in temporarily higher sulphur emissions.

Amendment 168
Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive
Article 1 – point 7
Directive 1999/32/EC
Article 4 c – paragraph 2

Text proposed by the Commission

2. Ships using the emission abatement methods referred to in paragraph 1 shall **continuously** achieve reductions of sulphur

Amendment

2. Ships using the emission abatement methods referred to in paragraph 1 shall achieve reductions of sulphur dioxide

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.

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 169

Salvatore Tatarella, Kyriakos Mavronikolas

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 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 ***consistently*** 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.

If a ship is found by a Member State not to be in compliance with the emission limits set forth in this Directive as a consequence of malfunctioning of any abatement methods, the competent authority of the Member State is entitled

to adopt the same procedure as described in Article 4aa on Fuel Availability.

Or. en

Justification

As an incentive to invest in scrubbing technology, the reference to continuous reduction achievement should not be referred to in the Directive. It should be taken into account that a ship could face temporary failures of the installed scrubbing equipment, or the performance of these equipments be reduced due to a heavy load placed on the engine that results in temporarily higher sulphur emissions.

Amendment 170

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 3

Text proposed by the Commission

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.

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 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 171

Oreste Rossi

Proposal for a directive

Article 1 – point 7

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Directive 1999/32/EC
Article 4 c – paragraph 3

Text proposed by the Commission

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.

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 by the criteria set out in Annex 2.2.

Or. en

Amendment 172
Satu Hassi

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member State support for the installation of on-board exhaust gas cleaning systems that are ordered before 31.12.2013 shall be considered compatible with the internal market within the meaning of Article 107 of the TFEU.

Or. en

Amendment 173

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

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

Text proposed by the Commission

Amendment

The Commission shall be empowered to

The Commission shall be empowered to

adopt delegated acts in accordance with Article 9a concerning:

adopt delegated acts in accordance with Article 9a **and with the relevant standards and instruments adopted by the IMO**, 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 retain full compliance with Annex VI to MARPOL, since divergences within the EU concerning emission reduction methods might result in failure to promote alternatives to the use of low-sulphur fuels, which is an essential aspect of the directive.

Amendment 174 **Oreste Rossi**

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The current wording tends to indicate that the Commission may adopt, by delegated acts, measures which could differ from IMO decisions. However, it is essential to keep a full alignment with Marpol Annex VI when different provisions in EU for emissions abatement methods might not promote the use of such alternative to the use of low sulphur fuels. Any other changes should by default follow the normal legislative procedure.

Amendment 175 **Elisabetta Gardini**

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Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 4 – subparagraph 2

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 **acknowledge** inter alia, scientific and technological progress as well as the relevant instruments and standards adopted by the International Maritime Organisation.

Or. en

Justification

The use of equivalent abatement methods type approved by the IMO in accordance with MARPOL should not be subjected to the adoption of a delegated act by the European Commission. Indeed, this may create the situation where an equivalent solution may be approved at IMO level, internationally and by the flag state but illegal in the EU. Subjecting the instruments referred to in Annex 2.1 to a delegated act decision will delay approval of innovative technology and create a redundant process at EU level.

Amendment 176

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 4 – subparagraph 2

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 177

Oreste Rossi

Proposal for a directive

Article 1 – point 7

Directive 1999/32/EC

Article 4 c – paragraph 4 – subparagraph 2

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 take into account, inter alia, scientific and technological progress.

Or. en

Justification

The current wording tends to indicate that the Commission may adopt, by delegated acts, measures which could differ from IMO decisions. However, it is essential to keep a full alignment with Marpol Annex VI when different provisions in EU for emissions abatement methods might not promote the use of such alternative to the use of low sulphur fuels. Any other changes should by default follow the normal legislative procedure.

Amendment 178

Theodoros Skylakakis

Proposal for a directive

Article 1 – point 8

Directive 1999/32/EC

Article 4 d – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the possibility of using alternative compliance methods in a cost-effective way, while respecting the limits set by this

Directive.

The Commission shall be empowered to adopt delegated acts in accordance with Article 9a, concerning the issuance of guidelines 6 months after the entry into force of this Directive, that will clarify which alternative compliance methods can be adopted by ships throughout the Union.

Or. en

Justification

If it is possible to comply with the Directive through alternative compliance methods and in a cost-effective manner, then they should be able to do so.

Amendment 179
Edward Scicluna

Proposal for a directive
Article 1 – point 8 a (new)
Directive 1999/32/EC
Article 4 e a (new)

Text proposed by the Commission

Amendment

(8a) The following Article 4ea shall be inserted:

„Article 4ea

Fuel oil availability

Notwithstanding the provisions laid down in Article 3 and Article 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 may require the ship to:

(a) present a record of the actions taken to attempt to achieve 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 achieve compliance.

3. If a ship provides the information set out in paragraph 1, Member States will take into account all relevant circumstances and the evidence presented to determine the appropriate action to take, including not taking any 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 the port concerned is compliant with the aims of this Directive.”

Or. en

Justification

This text would align EU law with the international agreement MARPOL. There is a high likelihood that not all EU ports, berths or jetties would have sulphur compliant fuel, and ships should not be punished for this. This safeguard would give ships an exemption to continue on their voyage but allow action to be taken against the port in question.

Amendment 180
Martin Callanan, Jacqueline Foster

Proposal for a directive
Article 1 – point 8 a (new)
Directive 1999/32/EC
Article 4 e a (new)

Text proposed by the Commission

Amendment

(8a) The following Article 4ea shall be inserted:

„Article 4ea

Fuel oil availability

Notwithstanding the provisions contained in Articles 3 and Article 4:

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 may require the ship to:

(a) present a record of the actions taken to attempt to achieve 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.

The ship shall not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance. If a ship provides the information set out in paragraph 1, Member States shall take into account all relevant circumstances and the evidence presented to determine the appropriate action to take, including not taking control measures. A ship shall notify its administration and the competent authority of the relevant port of destination when it cannot purchase

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

Or. en

Justification

There is a high likelihood that not all ports, berths or jetties will have compliant fuel by 2015, although there should be an incentive for ports to do so. Ships should nevertheless, in these cases, have the possibility to invoke a temporary exemption from compliance and should not be required to deviate from their intended voyage or to delay the voyage. This safeguard has been internationally agreed via Regulation 18 of MARPOL Annex VI and should be reflected in the EU Directive.

Amendment 181
Martin Callanan, Jacqueline Foster

Proposal for a directive
Article 1 – point 9 – point a
Directive 1999/32/EC
Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall take all necessary measures to check by sampling that the sulphur content of fuels used complies with Articles 3, 3a, 4, 4a and 4b. The sampling shall commence on the date on which the relevant limit for maximum sulphur content in the fuel comes into force. It shall be carried out ***with sufficient frequency*** and in such a way that the samples are representative of the fuel examined, and in the case of marine fuel, of the fuel being used by vessels while in relevant sea areas and ports.

Amendment

Member States shall take all necessary measures to check by sampling that the sulphur content of fuels used complies with Articles 3, 3a, 4, 4a and 4b. The sampling shall commence on the date on which the relevant limit for maximum sulphur content in the fuel comes into force. It shall be carried out ***periodically*** and in such a way that the samples are representative of the fuel examined, and in the case of marine fuel, of the fuel being ***supplied and*** used by vessels while in relevant sea areas and ports.

Or. en

Amendment 182

Sabine Wils

Proposal for a directive

Article 1 – point 9 – point a

Directive 1999/32/EC

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall take all necessary measures to check by sampling that the sulphur content of fuels used complies with Articles 3, 3a, 4, 4a and 4b. The sampling shall commence on the date on which the relevant limit for maximum sulphur content in the fuel comes into force. It shall be carried out with sufficient frequency and in such a way that the samples are representative of the fuel examined, and in the case of marine fuel, of the fuel being used by vessels while in relevant sea areas and ports.

Amendment

Member States shall take all necessary measures to check by sampling that the sulphur content of fuels used complies with Articles 3, 3a, 4, 4a and 4b. The sampling shall commence on the date on which the relevant limit for maximum sulphur content in the fuel comes into force. It shall be carried out with sufficient frequency, ***in sufficient quantities*** and in such a way that the samples are representative of the fuel examined, and in the case of marine fuel, of the fuel being used by vessels while in relevant sea areas and ports.

Or. en

Justification

An element of directive 2005/33/EC that has not been repeated in the current Commission proposal. Since enforcement has not been satisfactory so far weakening the enforcement provisions does not seem to be appropriate at this stage.

Amendment 183

Judith A. Merkies, Kathleen Van Brempt

Proposal for a directive

Article 1 – point 9 – point a

Directive 1999/32/EC

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall take all necessary measures to check by sampling that the sulphur content of fuels used complies with

Amendment

Member States shall take all necessary measures to check by sampling that the sulphur content of fuels used complies with

Articles 3, 3a, 4, 4a and 4b. The sampling shall commence on the date on which the relevant limit for maximum sulphur content in the fuel comes into force. It shall be carried out with sufficient frequency and in such a way that the samples are representative of the fuel examined, and in the case of marine fuel, of the fuel being used by vessels while in relevant sea areas and ports.

Articles 3, 3a, 4, 4a and 4b. The sampling shall commence on the date on which the relevant limit for maximum sulphur content in the fuel comes into force. It shall be carried out with sufficient frequency, **in sufficient quantities**, and in such a way that the samples are representative of the fuel examined, and in the case of marine fuel, of the fuel being used by vessels while in relevant sea areas and ports.

Or. en

Amendment 184

Martin Callanan, Jacqueline Foster

Proposal for a directive

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) analysis **for verification** of the sulphur content of marine fuel **being supplied** for onboard combustion **in accordance with Annex VI to MARPOL**;

Or. en

Amendment 185

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

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 contained 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 see 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 186

Martin Callanan, Jacqueline Foster

Proposal for a directive

Article 1 – point 9 – point a

Directive 1999/32/EC

Article 6 – paragraph 1 – subparagraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) sampling and analysis for verification that the use of marine fuel for onboard combustion is in accordance with guidelines to be developed by the IMO;

Or. en

Amendment 187

Martin Callanan, Jacqueline Foster

Proposal for a directive

Article 1 – point 9 – point a

Directive 1999/32/EC

Article 6 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

(i) the frequency of sampling;

(ii) the sampling methods;

*(iii) the definition of a sample
representative of the fuel examined;*

*(iv) the information to be included in
ships' log books and bunker delivery
notes.*

Or. en

Amendment 188

Kyriakos Mavronikolas, Eleni Theocharous

Proposal for a directive

Article 1 – point 9 – point a

Directive 1999/32/EC

Article 6 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

(i) the frequency of sampling;

(ii) the sampling methods;

*(iii) the definition of a sample
representative of the fuel examined;*

*(iv) the information to be included in
ships' log books and bunker delivery
notes.*

Or. en

Justification

Deletion of (i) (ii) (iii) is necessary since there is little evidence of widespread non-compliance with the current regime and it is therefore of concern that the proposal may result in a significantly increased regulatory burden. A retention of the current regime is possible, with enforcement activity being focused on the Bunker Delivery Note supplemented by sampling concerns arise as envisaged in Annex VI of MARPOL. Deletion of (iv) because the information to be included in the ships' log books and bunker delivery notes is governed by IMO Regulations. Any future requirements by the Commission to the above will only apply to EU ships and not to all ships calling EU ports and thus creating a parallel system without any real added value.

Amendment 189
Sabine Wils

Proposal for a directive

Article 1 – point 9 – point a

Directive 1999/32/EC

Article 6 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Such delegated acts shall be adopted in the form of binding implementing legislation for the monitoring and reporting of data pursuant to this Directive. The Commission shall adopt such implementing legislation by 31 December 2013.

Or. en

Justification

Strengthening the EU monitoring and enforcement regime is particularly important considering that the stricter fuel standards may increase the incentives to avoid compliance. The review of the implementation of directive 1999/32/EC has shown that weaknesses exist particularly regarding sampling and reporting. Detailed provisions regarding sampling and analysis need to be adopted quickly.

Amendment 190
Sabine Wils

Proposal for a directive

Article 1 – point 9 – point b

Directive 1999/32/EC

Article 6 – paragraph 1 a

Text proposed by the Commission

Amendment

(b) paragraph 1a is ***deleted***.

(b) paragraph 1a is ***replaced by the following***:

1a. The enforcement action referred to in paragraph 1 shall be carried out in sufficient frequency to ensure that most of

the European maritime traffic complies with Articles 3a, 4,a and 4b.

Each year, Member States shall inspect at least 50% of the vessels calling at their ports.

Or. en

Justification

Since enforcement has not been satisfactory so far the Directive should introduce a reference to the minimum number of inspections that needs to be carried out annually by Member States. This is also in line with recital 8 of the Commission's proposal that calls for "stronger monitoring and enforcement regime".

Amendment 191
Sabine Wils

Proposal for a directive
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 on 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 192
Sabine Wils

Proposal for a directive
Article 1 – point 10 – point b
Directive 1999/32/EC
Article 7 – paragraph 1 a

Text proposed by the Commission

1a. The Commission shall be empowered to adopt delegated acts in accordance with Article 9a concerning the information to be included in the report and the format of the report.

Amendment

1a. The Commission shall be empowered to adopt delegated acts in accordance with Article 9a concerning the information to be included in the report and the format of the report. ***This information to be included in the report and the format of the report shall be specified in the form of binding implementing legislation for the monitoring and reporting of data pursuant to this Directive. The Commission shall adopt such implementing legislation by 31 December 2013.***

Or. en

Justification

Article 7(1a) deals with reporting requirements. Strengthening the reporting requirements is particularly important for the functioning of the directive and experience has shown that there is confusion regarding reporting. It is therefore important that the Commission adopts binding implementing rules as soon as possible. This amendment aims to give a time-limit to the delegation of power for Article 7(1a), so that detailed provisions regarding sampling and analysis are adopted quickly.

Amendment 193 **Eija-Riitta Korhola**

Proposal for a directive
Article 1 – point 10 – point b a (new)
Directive 1999/32/EC
Article 7– paragraph 1 a a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph 1aa shall be inserted:

„(1aa) The Member States concerned shall by 1 January of each year supply the Commission with a report on the impacts of the implementation of Article (4a)(1)(b) of this Directive. The report shall contain inter alia the following matters :

- a) economic impacts on the industries concerned, including impacts on labour markets;***
- b) an evaluation of modal back shift and its environmental impacts,***
- c) the development and utilisation rate of abatement methods, and***
- d) the availability and effects of Union financial tools and state aids.***

On the basis of Member State reports, and taking into account in addition the work within the IMO, the Commission shall submit a report to the European Parliament and Council by the end of 2013.

The Commission shall submit with its

report proposals aimed at amending this Directive and in particular the limit values and the postponement of the effective dates laid down for SOx Emission Control Areas.”

Or. en

Justification

Due to excessive cost that implementation of more stringent sulphur requirements for marine fuel is causing to Northern Sea area's industries, it is necessary to report of the impacts of the Directive. Reporting is needed in MS level, but also the Commission should report EU's Parliament and the Council before new requirements enter into force. If the Member state reports, and for example the work done in the IMO, give reasons, the Commission shall give a legislative proposal to amend this Directive especially as regards the sulphur limitations and their entrance into force in SECAs.

Amendment 194
Theodoros Skylakakis

Proposal for a directive
Article 1 – point 10 – point c
Directive 1999/32/EC
Article 7 – paragraphs 2 and 3

Text proposed by the Commission

(c) paragraphs 2 and 3 are deleted.

Amendment

(c) paragraph 2 is replaced by the following:

„2. On the basis, inter alia, of:

- (a) annual reports submitted in accordance with paragraphs 1 and 1a;**
- (b) observed trends in air quality, acidification, fuel costs and modal shift;**
- (c) progress in reducing emissions of sulphur from ships through IMO mechanisms following *Union* initiatives in this regard;**

the Commission shall, by 31 December 2013, submit a report to the European Parliament and to the Council. *The Commission shall consider in its report,*

and may submit proposals, as regards additional or alternative complementary measures to further reduce emissions from ships."

Or. en

Amendment 195
Marita Ulvskog

Proposal for a directive
Article 1 – point 10 – point c
Directive 1999/32/EC
Article 7 – paragraphs 2 and 3

Text proposed by the Commission

(c) paragraphs 2 and 3 are deleted.

Amendment

(c) paragraph 3 is deleted and paragraph 2 is replaced by the following:

„2. On the basis, inter alia, of:

- (a) annual reports submitted in accordance with paragraphs 1 and 1a;**
- (b) observed trends in air quality, acidification, fuel costs and modal shift;**
- (c) progress in reducing emissions of sulphur and nitrogen oxides from ships through IMO mechanisms following Union initiatives in this regard;**

the Commission shall, by 31 December 2013, submit a report to the European Parliament and to the Council. The Commission shall consider in its report, and submit proposals, as regards:

- the impact on the common internal market regarding the competitive neutrality that will be at risk when different emission standards are introduced in the Union;**
- the designation of additional SO_x and NO_x Emission Control Areas;**
- quality standards for marine fuel oils along the lines of those applicable to**

Directive 98/70/EC;

- alternative complementary measures to further reduce emissions from ships."

Or. en

Amendment 196

Radvilė Morkūnaitė-Mikulėnienė

Proposal for a directive

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

Directive 1999/32/EC

Article 7– paragraph 3 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph 3a shall be inserted:

(3a) The Commission shall carry out an impact assessment of the Directive and by the end of 2012 propose a set of compensatory measures to diminish the negative impacts on shipping industries throughout the Union.

Or. en

Amendment 197

Kyriakos Mavronikolas, Eleni Theocharous

Proposal for a directive

Article 1 – point 10 – point d

Directive 1999/32/EC

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 9a concerning the adaptations of Article 2, points 1, 2, 3, 3a, 3b and 4, Article 6 paragraph 1(a) and (2) to scientific and technical progress.

deleted

Justification

The above should be adopted under implementing acts and not delegated acts since they are considered as essential elements of the Directive

Amendment 198
Sabine Wils

Proposal for a directive
Article 1 – point 10 – point d a (new)
Directive 1999/32/EC
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(da) the following paragraph 4a shall be inserted:

„4a. By 31 December 2015, the Commission shall report to the European Parliament and to the Council on the observed trends in air quality (including concentrations, exposure, and deposition of air pollutants) and in particular on 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 199
Sabine Wils

Proposal for a directive

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

Directive 1999/32/EC

Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

(da) the following paragraph 4b shall be inserted:

„(4b) 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 standards 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 shall 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 200
Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a directive

Article 1 – point 13

Directive 1999/32/EC

Article 9 a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The delegation of powers referred to in Article 4a(1a) and (2) shall be restricted to the incorporation into this Directive of decisions taken by the IMO.

Or. es

Amendment 201
Theodoros Skylakakis

Proposal for a directive

Article 1 – point 13

Directive 1999/32/EC

Article 9 a – paragraph 3

Text proposed by the Commission

Amendment

3. The delegation of power referred to in Articles 4a(1a) and (2), 4c(4), 6(1), 7(1a) and 7(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

3. The delegation of power referred to in Articles 4a(1a) and (2), ***4b (3a)***, 4c(4), ***4d point da***, 6(1), 7(1a) and 7(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. el

Justification

To ensure consistency with the remaining text

Amendment 202
Edward Scicluna

Proposal for a directive
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 203
Kyriakos Mavronikolas, Eleni Theocharous

Proposal for a directive
Article 2 – point 1 – point 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [12 months after the entry into force of this Directive] at the latest. ***They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.***

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months after the entry into force of this Directive] at the latest.

Or. en

Justification

Deletion is necessary since according to the Joint political Declaration of the European Parliament, the Council and the Commission on explanatory documents, the Commission must justify the need for, and the proportionality of, the transmission of such documents in accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents.

Amendment 204
Liisa Jaakonsaari

Proposal for a directive
Article 2 – point 1 – point 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive ***by [12 months after the entry into force of this Directive] at the latest.*** They shall forthwith communicate to the Commission the text of those provisions and a *correlation table* between those provisions and this Directive.

Amendment

Member States shall be allowed a transitional period of at least ten years for the implementation of this Directive. Thereafter they shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a *table showing the correlation between* those provisions and this Directive.

Or. fi

Amendment 205

Françoise Grossetête, Dominique Vlasto, Gaston Franco, Agnès Le Brun

Proposal for a directive

Annex

Directive 1999/32/EC

Annex 2 – paragraph 2 – indent 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 206

Oreste Rossi

Proposal for a directive

Annex

Directive 1999/32/EC

Annex 2 – paragraph 2 – indent 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

Amendment 207
Elisabetta Gardini

Proposal for a directive

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

– document thoroughly, **by compliance with the wash water requirements in IMO Resolution MEPC.184(59)** any waste streams discharged into the sea, including enclosed ports, harbours and estuaries.

Or. en

Justification

Ships using abatement methods in accordance with Article 4c should not be required to document thoroughly that any waste streams discharged into the sea, including enclosed ports, harbours and estuaries have no significant impacts on and do not pose risks to human health and the environment). Since the methods will be approved by a Member State, no additional responsibility should be placed on a ship.