

## 【欧州】 【Common】

# Common - Environmental issues: Transport, Telecommunications and Energy Council adopts position on three transport-related “Fit for 55 “ package proposals

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### 【概要 : Summary】

The European Green Deal sets the goal of reaching climate-neutrality by 2050 and includes a target to reduce the GHG emissions from transport by 90% by 2050, compared with 1990 levels. Considering the transport sector’s responsibility for 25% of the EU’s total GHG emissions, the use of fossil fuels in transport needs to be reduced to help reaching climate neutrality by 2050.

The European Climate Law establishes the framework for achieving the European Green Deal’s objective and sets intermediate targets to reducing net GHG emissions by at least 55% by 2030, compared to 1990 levels. On 14 July 2021, the Commission presented the so-called “Fit for 55” package with legislative proposals to revise existing laws to reaching the Climate law’s 55% GHG emissions reduction target by 2030 and the 90% CO<sub>2</sub> emission reduction target in the transport sector by 2050.

On 2 June 2022, the Transport, Telecommunications and Energy Council adopted its common position on three transport related “Fit for 55 “ package proposals. The Council agreed on the general approach on the proposal for a Regulation on the deployment of alternative fuels infrastructure (COM/2021/559 final), the proposal on Renewable and low-carbon fuels in maritime transport FuelEU

Maritime COM (2021) 562 final and on the proposal for ReFuelEU Aviation initiative (COM (2021) 561 final). Regarding the proposal of a Regulation on the deployment of the Alternative Fuels Infrastructure (COM (2021) 559 final), the new legislation focuses on the extension of the recharging and refuelling infrastructure throughout the EU. To reduce the aviation and maritime sectors’ GHG emissions, the fossil fuels should be replaced by sustainable fuels, based on the proposals ReFuelEU Aviation and FuelEU Maritime.

However, the Council’s positions visible in its general approaches on the AFIR, FuelEU Maritime and ReFuelEU Aviation seem to be not ambitious enough to reach the necessary GHG emission reductions. However, the Council’s general approaches adopted on 2 June 2022 will allow the Council presidency to start negotiations with the European Parliament and the European Commission on the respective legislative proposals to find a compromise agreement on the final content and scope of the legislation.

### 【記事 : Article】

#### 1. The “Fit for 55 “ package

The transport sector is currently responsible for almost 25% of the EU’s total GHG emissions. Out

of these 25%, the majority of 72% comes from road transport, followed by aviation (14.4%), ships (13.5%), trains (0.5%) and others (0.5%) (General Secretariat of the Council 2022).

The European Green Deal (COM/2019/640 final) set the overall 2050 target of reaching net-zero carbon emissions and a 90% reduction of GHG emissions from transport. The European Climate Law based on Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’), establishes a framework for achieving the European Green Deal’s target by introducing a mid-term target of a 55% reduction of GHG emissions by 2030, compared to 1990 levels (European Commission n.d.). To achieve this 2030 target towards achieving the 2050 net-zero carbon emission target, the European Commission presented a “Fit for 55” package on 14 July 2021. This package also includes some new proposals on revisions of existing legislation related to the transport sector’s GHG emissions. Meanwhile, on 2 June 2022, the Transport, Telecommunications and Energy Council adopted its general approach on three of the transport related Fit for 55 package proposals, namely the Regulation on the deployment of alternative fuels infrastructure (COM/2021/559 final) proposal, the Renewable and low-carbon fuels in maritime transport FuelEU Maritime COM (2021) 562 final proposal and the ReFuelEU Aviation initiative (COM (2021) 561 final) proposal (General Secretariat of the Council 2022). The European transport ministers’ adoption of a general approach in their Transport, Telecommunications and Energy Council meeting on these proposals is an important step towards implementing the “Fit for 55” legislative package (General Secretariat of the Council 2022).

## 2. The alternative fuels infrastructure AFIR (COM/2021/559 final) proposal and the Council’s general approach

The alternative fuels infrastructure (AFIR) proposal (COM/2021/559 final) of 14 July 2021 sets concrete targets for deploying infrastructure in the EU for recharging or refuelling of road vehicles with alternative fuels in the upcoming years and it also aims to provide alternative solutions of power supply to moored ships and stationary aircraft. The AFIR aims at speeding up the deployment of zero- and low-emission vehicles and ships, which need the alternative infrastructure for the adoption of alternative fuels (COM/2021/559 final). Therefore, the AFIR will require Member States to expand charging capacity in line with zero-emission car sales and to install charging and fuelling points at regular intervals along major transport corridors every 60 km, for electric charging for passenger cars by the end of 2025 and for trucks at least one recharging station in each sage and secure parking area by the end of 2030 and every 150 kilometres for hydrogen refuelling, according to the proposal (COM (2021) 559 final). Furthermore, the new proposal COM (2021) 559 final will also ensure that aircraft, ships, and barges have access to electricity supply in major airports and ports (COM (2021) 559 final).

The goal of the regulation is to provide sufficient infrastructure for cars, trucks, ships, and planes to (re)charge or (re)fuel with alternative fuels (e.g., hydrogen, liquefied methane) with good enough coverage across the EU (General Secretariat of the Council 2022).

On 2 June 2022, the Council of the European Union adopted at its Transport, Telecommunications and Energy Council the general approach regarding the AFIR, which has also improved in clarity and structure of the text to specify the obligations of the involved stakeholders (French Presidency 2022). The Council’s general approach adheres the Commission’s proposal regarding the key

overall parameters, including that the new infrastructure will have to allow ad-hoc charging, accept electronic payments, and clearly informs users about pricing options (General Secretariat of the Council 2022). It also includes that requirements for recharging light electric vehicles will be provided, based on the size of the registered fleet and the TEN-T coverage requirements in 2025 and 2030. For the supply of electricity to ships at the quayside in ports, requirements will be applicable from 2030 (General Secretariat of the Council 2022). Regarding ports, there should be supplied access to shore side electricity supply for at least 90% of container ships and passenger ships in the busiest seaports. In most of inland waterway ports, there should be provided at least on shore-side electricity installation by 2030.

Regarding the aviation sector, the use of SAF in aviation does not require any specific refuelling stations/infrastructure in addition to the existing refuelling stations. However, there should be supplied electricity for all stationary aircraft next to the terminals by 2025 and all remote apron position aircraft stands by 2030 (General Secretariat of the Council 2022).

While the Council's general approach retains the main aspects of the Commission proposal, it amends some aspects in COM/2021/559 final regarding the specific dynamics in the anticipated significant technological and market developments of the electric heavy-duty vehicles. Therefore, the general approach includes a clause on a specific review in the short term (Council of the European Union 2022b). Given the developments expected in recharging standards and considering that the market for electric heavy-duty vehicles is less developed than for light vehicles, a gradual process of infrastructure deployment, encouraging a corridor approach, has been provided for starting in 2025, with the aim of covering all TEN-T roads by 2030 (General Secretariat of the Council 2022). Investments in

hydrogen refuelling and to adapt to technological developments, the requirements in the text are focused on the deployment of gaseous hydrogen refuelling infrastructure along the TEN-T core network (General Secretariat of the Council 2022). Furthermore, adaptations have been made to allowing adaptations to the total power of electric recharging pools for sections of the TEN-T network where traffic volumes are low, or to increase the maximum distance between recharging pools for sections with very low traffic (French Presidency 2022). Regarding onshore power supply in maritime ports, the provisions have been made in full consistency with the Commission's FuelEU Maritime proposal.

### **3. Renewable and low-carbon fuels in maritime transport and the Council's general approach on FuelEU Maritime COM (2021) 562**

The proposal FuelEU Maritime COM (2021) 562 final is key to reducing GHG emissions in maritime transport towards the EU's 2030 and 2050 climate targets and aims to increase demand for and consistent use of renewable and low-carbon fuels in the maritime sector in European ports. Given the wide range of technologies used in the maritime sector, the proposal is based on the principle of technology neutrality, and therefore focuses on fuel demand (French Presidency 2022). According to Article 2 of the Commission's proposal COM (2021) 562 final, the scope of the Regulation covers all ships above a gross tonnage of 5000, regardless of their flag in respect to: (a) the energy used during their stay within a port of call under the jurisdiction of a Member State, (b) the entirety of the energy used on voyages from a port of call under the jurisdiction of a Member State to a port of call under the jurisdiction of a Member State, and (c) a half of the energy used on voyages departing from or arriving to a port of call under the jurisdiction of a Member State, where the last or the next port of call is under the jurisdiction of a third

country (COM (2021) 551 final). This Article 2 (c) corresponds to the scope and the coverage of GHG emissions of maritime transport under the proposal for a revised EU-ETS for maritime transport (COM (2021) 551 final). To accelerate the maritime transport's decarbonisation through renewable and low-carbon fuels and technologies, the GHG intensity of energy used on-board by a ship should be gradually limited (COM (2021) 562 final). Article 4 of COM (2021) 562 final establishes the limit to the yearly GHG intensity of the energy used on-board by a ship, while Article 5 establishes requirements for the use of on-shore power supply or zero-emission energy at berth for specific ship types and lists possible exceptions (COM (2021) 562 final).

The maritime targets on the limits on GHG intensity of the energy used on-board compared to 2020 corresponds to the fleet average GHG intensity of the energy used on-board by ships in 2020 (Regulation (EU) 2015/757). It is calculated by reducing the reference value by -2% from 1 January 2025; -6% from 1 January 2030; -13% from 1 January 2035; -26% from 1 January 2040; -59% from 1 January 2045; -75% from 1 January 2050 (COM (2021) 562 final).

Additionally, zero-emission energy is used at berth from 1 January 2030 onwards. A ship at berth in a port of call under the jurisdiction of a Member State shall connect to onshore power supply and use it for all energy needs while at berth. This applies to container ships and passenger ships but will exclude ships that are at berth for less than two hours, or that use zero-emission technologies, among others (COM (2021) 562 final).

The proposal COM (2021) 562 final, allows owners of different ships to pool ships together to help each other with compliance, provided those ships in the pool are verified by the same verifier. Companies that are not compliant with the rules by 1 May of the following year will have to pay a penalty. The amount of penalty would go into a

green fuel fund. The FuelEU Maritime initiative could stimulate demand for low and zero-carbon marine fuels, which is currently negligible, but it must also address how to handle the requirements globally and the fuel quality responsibilities (COM (2021) 562 final 2021).

The Council's general approach of 2 June 2022 basically follows the main aspects of the Commission's proposal and keeps the proposal's scope, including ship size and geographical scope, targets for reducing the GHG intensity, the requirements regarding the on-shore power supply, for other zero-emission technologies and for ships at the quayside, the certification of fuels and governance related obligations like the penalties (Council of the European Union 2022a). However, some aspects of the Commission proposal the Council intends to amend (Council of the European Union 2022a).

The revisions include the scope of the requirements for onshore power supply to focus the obligations on ships moored at the quayside, to provide a better framework for the exemptions, to ensure consistency with the AFIR proposal, and to give Member States the option to extend the obligations already imposed on ships moored at the quayside to ships at anchorage in ports. (French Presidency 2022).

Furthermore, the general approach intends to clarify and strengthen provisions on the role of companies, verifiers, and the public authorities, and on the monitoring, reporting and verification procedures. The work of verifiers is more clearly defined, and the public authorities can carry out additional checks (French Presidency 2022).

Furthermore, the provisions on calculating GHG intensity, the resulting penalties and fines have been revised to prevent circumvention of the rules (French Presidency 2022). Some temporary provisions have been added to take account of Member States' specific geographical circumstances including very small islands, remote areas and of navigation in ice conditions

as well as provisions for the outermost regions (French Presidency 2022). Also, provisions that apply to transshipment ports for container vessels, which were not included in the Commission proposal, have been added to limit carbon leakage, and provisions have been improved to stimulate the demand for sustainable fuels like renewable fuels of non-biological origin (RFNBOs) (French Presidency 2022).

#### 4. The Council's general approach on the ReFuelEU Aviation initiative (COM (2021) 561 final)

The proposed ReFuelEU Aviation initiative (COM/2021/561 final) intends to introduce a sector-specific blending mandate for a minimum share of sustainable aviation fuels (SAF) to be supplied aviation fuels at EU airports, rising from 2% in 2025 to 5% in 2030 and 63% in 2050 (COM (2021) 561 final). The proposal for a ReFuelEU Aviation aims to ensure a gradual increase of the share of SAF without detrimental effects on the competitiveness of the EU aviation sector's internal market. The European Commission proposal also contains a sub-mandate for e-fuels, such as hydrogen produced from electrolysis, is planned, starting at 0.7% of e-fuels in 2030 and increasing to 28% by 2050.

Due to the cross-border and global dimension of air transport, a harmonised aviation-specific regulation is the preferred option, to ensure that SAFs can be introduced at EU airports to ensure that the obligation to supply sustainable aviation fuels does not harm the level playing field of the air transport market (COM (2021) 561 final). For sustainability reasons, feed and food crop-based fuels are not eligible when indirect land-use change occurs (COM (2021) 561 final).

On 2 June 2022, the Council of the European Union adopted its general approach on the ReFuelEU Aviation initiative, COM (2021) 561 final (Council of the European Union 2022b). The Council's general approach keeps the main

aspects of the Commission's proposal regarding the necessary GHG emission reduction for achieving the EU's climate targets for 2030 and 2050, with SAF as one of the key short- and medium-term levers for decarbonising aviation (French Presidency 2022).

The amendments introduced in the Council's general approach are aspects that should facilitate and accelerate the development of SAF like increasing the minimum share for 2030 from 5 to 6% (French Presidency 2022, Council of the European Union 2022a). The Council also supports the establishment of a transitional period allowing fuel suppliers to reach the SAF blending mandate as a weighted average of the quantities they have supplied across the EU. They also maintain the obligation for aircraft operators to ensure that the yearly quantity of aviation fuel uplifted at a given EU airport is at least 90% of the yearly aviation fuel required, to combat tinkering, and fuel suppliers and aircraft operators have the obligation to report. Finally, the rules on the competent authorities, to be designated by the EU Member States to enforce this regulation, and rules on fines remain unchanged. (French Presidency 2022, Council of the European Union 2022b).

However, the general approach contains some revisions, including the possibility for EU Member States to apply the draft regulation to airports below a certain traffic threshold, the extension of the scope regarding aircraft operators, but also the extension of the scope of eligible sustainable aviation fuels and synthetic aviation fuels (French Presidency 2022, Council of the European Union 2022b). Regarding biofuels, the Council intends to extend the scope to other certified biofuels complying with the Renewable Energy Directive (RED II Directive (EU) 2018/2001) sustainability and emissions saving criteria, up to a maximum of 3%, but they exclude biofuels from food and feed crops (French Presidency 2022). Furthermore, Member States

should also be flexible to increase their sub-mandate of synthetic fuels at national level, under certain conditions and for a limited period. The Council also intends to allow an exemption from the tankering provisions for certain flights in the event of serious and recurrent operational difficulties or structural difficulties in the supply of fuel in accordance with identified criteria.

Fuel suppliers should be obliged to report to the European Union Aviation Safety Agency (EASA) on the use of substances that give rise to non-CO2 effects in aviation. The Council reinforces the data collection and reporting obligations to monitor the effects of this regulation on the competitiveness of EU operators and platforms, and to improve knowledge of the non-CO2 effects of air transport emissions (French Presidency 2022). In 2027, the Commission is expected to include in its report the impact on connectivity, on carbon leakage and distortions of competition, and on the future use of hydrogen and electricity (French Presidency 2022, Council of the European Union 2022b).

## 5. Conclusion

The “Fit for 55” package contains important legislative proposals to decarbonise the EU’s economy and the transport sector. This includes the proposals for alternative fuels infrastructure AFIR (COM/2021/559 final), FuelEU Maritime COM (2021) 562 final, and the proposal on the ReFuelEU Aviation initiative (COM (2021) 561 final), all aiming at achieving a significant CO<sub>2</sub> emission reduction in the transport sector.

The regulations on the ReFuelEU Aviation initiative and on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime) aim to increase the uptake of sustainable fuels by aircraft and ships to reduce their environmental footprint, while the AFIR is expected to help to provide the alternative infrastructures in the transport sector.

The general approaches adopted on 2 June 2022 by the Transport, Telecommunications and Energy Council will allow the Council presidency to start negotiations with the European Parliament in the trilogue negotiations once the European Parliament has adopted its positions. In the European Parliament, the files on the ReFuelEU Aviation initiative (COM (2021) 561 final), the FuelEU Maritime COM (2021) 562 and the alternative fuels infrastructure AFIR (COM/2021/559 final) proposals have been referred to the Parliament’s Committee on Transport and Tourism (TRAN), as responsible Committee. Only after the European Parliament’s plenary has voted on the files, the trilogue negotiations between the European Parliament, Council and Commission can begin, which will then lead to the final adoption of the new EU legislation.

Regarding the three proposals, the Council mainly kept the Commission’s original proposals but there are also some deviations in the general approaches on the AFIR, FuelEU Maritime and ReFuelEU Aviation proposals. The Council seems to have less ambitions than it might be necessary to achieve the 55% GHG emission reductions by 2030 and the 90% GHG emission reduction in the transport sector by 2050. Only the agreement which will be reached at the end of the trilogue negotiations between the European Parliament, Council and Commission will show in how far the initial proposals have been weakened by compromises with the Council.

## References

COM/2019/640 final: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS The European Green Deal. COM/2019/640 final. In: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

COM/2021/559 final: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council. COM/2021/559 final, 2021/0223 (COD). In: <https://eur-lex.europa.eu/search.html?scope=EURLEX&text=2021%2F0223+%28COD%29&lang=en&type=quick&qid=1626867687106>, 14.7.2021, accessed 3 June 2022

COM (2021) 561 final: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport. COM (2021) 561 final. In: [https://ec.europa.eu/info/sites/default/files/re\\_fueleu\\_aviation\\_-\\_sustainable\\_aviation\\_fuels.pdf](https://ec.europa.eu/info/sites/default/files/re_fueleu_aviation_-_sustainable_aviation_fuels.pdf), 14.7.2021, accessed 3 June 2022

COM (2021) 562 final: Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC (COM(2021) 562 final). In: [https://ec.europa.eu/info/sites/default/files/fueleu\\_maritime\\_-\\_green\\_european\\_maritime\\_space.pdf](https://ec.europa.eu/info/sites/default/files/fueleu_maritime_-_green_european_maritime_space.pdf), 14.7.2021, accessed 6 June 2022

14.7.2021, accessed 3 June 2022

COM (2021) 562 final: Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC (COM(2021) 562 final). In: [https://ec.europa.eu/info/sites/default/files/fueleu\\_maritime\\_-\\_green\\_european\\_maritime\\_space.pdf](https://ec.europa.eu/info/sites/default/files/fueleu_maritime_-_green_european_maritime_space.pdf), 14.7.2021, accessed 6 June 2022

14.7.2021, accessed 6 June 2022

Council of the European Union (2022a): Infographic - Fit for 55: increasing the uptake of greener fuels in the aviation and maritime sectors. In: <https://www.consilium.europa.eu/en/infographics/fit-for-55-refueleu-and-fueleu/>, 2022, accessed 7 June 2022

2022, accessed 7 June 2022

Council of the European Union (2022b): Fit for 55 package: Council adopts its position on three texts relating to the transport sector. In: <https://www.consilium.europa.eu/en/press/press-releases/2022/06/02/fit-for-55-package-council-adopts-its-position-on-three-texts-relating-to-the-transport-sector/>, 2 June 2022, accessed 8 June 2022

2 June 2022

European Commission (n.d.): European Climate Law. In: [https://ec.europa.eu/clima/eu-](https://ec.europa.eu/clima/eu-action/european-green-deal/european-climate-law_en)

[action/european-green-deal/european-climate-law\\_en](https://ec.europa.eu/clima/eu-action/european-green-deal/european-climate-law_en), no year, accessed 8 June 2022

French Presidency of the Council of the European Union (2022): Fit for 55 package: Council adopts its position on three texts relating to the transport sector. In: <https://presidence-francaise.consilium.europa.eu/en/news/fit-for-55-package-council-adopts-its-position-on-three-texts-relating-to-the-transport-sector/>, 2 June 2022, accessed 7 June 2022

General Secretariat of the Council (2022): Infographic - Fit for 55: towards more sustainable transport. In: <https://www.consilium.europa.eu/en/infographics/fit-for-55-afir/>, 2 June 2022, accessed 3 June 2022

Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC. In: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015R0757>, 19.5.2015, accessed 8 June 2022

19.5.2015, accessed 8 June 2022

Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’). In: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.243.01.0001.01.ENG&toc=OJ%3AL%3A2021%3A243%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.243.01.0001.01.ENG&toc=OJ%3AL%3A2021%3A243%3ATOC), 9.7.2021, accessed 8 June 2022

9.7.2021, accessed 8 June 2022

9.7.2021, accessed 8 June 2022