

【欧州】 【海事】

Maritime Issues - Internal regulation on gas emissions: European Parliament adopts position on FuelEU Maritime proposal on the use of low-carbon fuels in maritime transport

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【概要 : Summary】

Shipping is one of the least carbon-intensive ways to transport goods, but it still relies on fossil fuels and generated 2.9% of global anthropogenic CO₂ emissions in 2018. With the adoption of Regulation (EU) No 2015/757 on the monitoring, reporting and verification of CO₂ emissions from maritime transport, the European Commission took the first step to integrate maritime transport's CO₂ emissions into the EU GHG emission reduction policies.

Considering the European Green Deal's target of a 90% reduction of GHG emissions in the transport sector by 2050, also the maritime transport sector's CO₂ emissions will have to be reduced to achieve this target. Accordingly, the "Fit for 55" package of July 2021 also includes the FuelEU Maritime proposal (COM(2021) 562 final), which aims to significantly increase the demand for clean fuels and to cut carbon emissions within the maritime sector.

The FuelEU Maritime proposal supports the sector's shift towards low carbon maritime fuels by setting up a common EU regulatory framework to increase the share of renewable and low-carbon fuels in the fuel mix of maritime transport. The proposal underlines the Commission's determination to act on the maritime transport's

GHG emissions, while an alignment between the EU rules and market-based measures at international level needs to be achieved in future.

Considering the positions of the European Parliament's ENVI Committee and the shipping industry, the European Parliament plenary adopted measures which might not be sufficient to reach carbon neutrality in the maritime sector. The shipping industry and also several EU Member States consider stricter limits or earlier dates to reach climate neutrality than 2050.

Instead, the targets supported by the European Parliament not only lack of higher or earlier targets for reaching carbon neutrality. The Parliament's plenary also approved many exceptions and excludes ships with less than 5,000 gross tonnage, among others.

The vote in the European Parliament's plenary defines the Parliament's negotiation position in the Trilogue negotiations with the Council of the European Union and the European Commission on the FuelEU Maritime. This trilogue on the FuelEU Maritime proposal it might be one of the few occasions that the EU Member States could opt for stricter rules than the European Parliament.

【記事 : Article】**1. Background of the FuelEU Maritime proposal**

While shipping is one of the least carbon-intensive ways to transport goods, it still relies on carbon intensive fossil fuels, such as heavy fuel oils, marine diesel oil or gas oil. Maritime transport generated 2.9% of global anthropogenic CO₂ emissions in 2018 (European Commission n.d.). In the EU, the shipping industry's share of the total GHG emissions in transport is 13.5%, compared to road transport (71%) and aviation (14.4%) in 2018 (Pape 2022). Despite a decrease in transport activities in 2020 due to the COVID-19 pandemic, shipping is expected to grow again, fuelled by rising demand for primary resources and container transport.

On 19 May 2020, the European Commission published its first report, "Report from the Commission. 2019 Annual Report on CO₂ Emissions from Maritime Transport" (SWD(2020) 82 final), monitoring around 11,600 ships, which emitted about 138 million tonnes of CO₂ in 2018, reaching about 3% of the EU's total CO₂ emissions (SWD (2020) 82 final). In 2019, over 144.6 million tonnes of CO₂ were emitted representing a slight increase compared to 2018 (European Commission 2020).

Maritime transport's GHG emissions are projected to further increase significantly if no ambitious mitigation measures are introduced. At international level, the International Maritime Organisation (IMO) is responsible for introducing global GHG emissions mitigation measures since maritime transport's GHG emissions are excluded from the UNFCCC's COP21 Paris Agreement. In April 2018, the IMO's Marine Environment Protection Committee (MEPC) 72nd session adopted the Initial GHG Strategy for international shipping at global level. However, the IMO's initial strategy does not give any schedule for the set-up of legal restrictions on CO₂ output and the strategy rather is a framework for IMO member states to set levels of ambition to reduce GHG emissions (European Parliament 2022a). Meanwhile, the IMO MEPC's

77th session of November 2021 recognized the need to strengthen the ambitions on reducing GHG emissions from shipping. The MEPC 77 agreed to initiate the revision of the strategy with the intent to have a revised IMO GHG Strategy adopted at MEPC 80 in spring 2023 (IMO 2021).

However, since the IMO initially delayed its decisions on addressing the GHG emission problem, the EU acted unilaterally by introducing, as a first step, a Monitoring, reporting and verification (MRV) system for GHG emissions of maritime transport within the European Economic Area (EEA) in 2018, based on Regulation 2015/757. The Regulation 2015/757, as amended by Regulation 2016/2071, addresses the GHG emissions of vessels with 5,000 gross tonnage (GT) and above since 1 January 2018.

After the introduction of the IMO Data Collection System, the EU's Regulation on MRV system had to be reviewed and amended. Accordingly, on 4 February 2019, the European Commission adopted a proposal COM(2019) 38 final to revise the EU system for monitoring, reporting and verification of CO₂ emissions from maritime transport (Regulation (EU) 2015/757).

However, meanwhile, a new amendment of the Regulation (EU) 2015/757 has become necessary, based on the European Green Deal's climate neutrality target for 2050 (COM/2019/640 final). Furthermore, the European Climate Law of 30 June 2021 (Regulation (EU) 2021/1119) set the mid-term target of reducing the EU's GHG emissions by 55% compared to 1990 by 2030, which requires the contribution from all sectors of the economy, including transport (Regulation (EU) 2021/1119). Accordingly, the "Fit for 55" package of 14 July 2021 not only includes a proposal to cover the maritime transport's GHG emissions in the EU-ETS (COM(2021) 551 final) but also includes a proposal on the FuelEU Maritime initiative to boost demand for sustainable alternative fuels in maritime transport (COM(2021) 551 final, COM(2021) 562 final).

2. The FuelEU Maritime proposal

The FuelEU Maritime proposal for a Regulation on the use of renewable and low-carbon fuels in maritime transport (COM(2021) 562 final) is expected to increase the use of sustainable alternative marine fuels in the EU. This is achieved by setting up a common EU regulatory framework to increase the share of renewable and low-carbon fuels in the fuel mix of international maritime transport, thereby driving the sector's decarbonisation (COM (2021) 0562).

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). It covers all energy used on board of ships at an EU port and on voyages between EU ports, and 50% of the energy used on voyages departing from or arriving to EU ports from third countries (COM (2021) 562 final, Council of the European Union). To accelerate the maritime transport's decarbonisation, the GHG intensity of energy used on-board by a ship should be gradually limited (COM (2021) 562 final). The FuelEU Maritime initiative envisages the introduction of a goal-based fuel GHG intensity target (thresholds), which will be expressed in Well-to-Wake (WTW) CO₂-equivalent emissions to account for all the life cycle GHG emissions (CO₂, CH₄, N₂O) of the different fuels and relevant engine technologies (COM(2021) 562 final).

By introducing increasingly stringent limits for the carbon intensity of the energy used by vessels from 2025 onwards, it aims to increase ambitions to reduce the GHG intensity of energy used onboard by ships and the use of renewable fuels of non-biological origin for ships (COM(2021) 0562).

Reductions of annual average GHG intensity of energy used on board ships, should apply to commercial vessels above 5,000 gross tonnes. The application of the limits would start from 2025 with a 2% cut compared to 2020 levels, followed by a -6% reduction from 1 January 2030; -13% from

1 January 2035; -26% from 1 January 2040; -59% from 1 January 2045 and finally -75% from 1 January 2050 (COM (2021) 562 final). These requirements would apply to all energy used in or between EU ports. They would also apply to 50% of the energy used by ships arriving at or departing from EU ports on voyages to third countries (COM(2021) 562 final).

Article 5 establishes requirements for the use of on-shore power supply (OPS) or zero-emission energy at berth for specific ship types and lists possible exceptions (COM (2021) 562 final). OPS in EU ports is required for freight and passenger ships at berth at EU ports for more than two hours from January 2030. The use of OPS at berth is mandatory, unless the ships use zero-emission technologies or are in an emergency situation (COM (2021) 0562, Kiss 2022). Until the end of 2034, exemptions would be allowed for cases when ships cannot connect to OPS due to unavailable connection points but from 2035 onwards, this flexibility would be significantly reduced (COM (2021) 0562).

Moreover, the FuelEU Maritime proposal also recognises black carbon as one of the pollutants counted towards GHG emissions and urges the maritime industry to reduce those emissions (ENVI Committee 2022, COM (2021) 562 final).

3. The Council's general approach on the FuelEU Maritime proposal

Regarding the legislative procedures, the Council of the European Union adopted its common position on the FuelEU Maritime proposal COM (2021) 0562 final at the Transport, Telecommunications and Energy Council meeting on 2 June 2022.

The Council's general approach keeps the core aspects of the Commission's proposal, including the targets for reducing the GHG intensity of energy used on board ships, the certification of fuels and the penalties to be applied to companies if their ships do not comply, among others (Council of the European Union 2022). The

Council's general approach also contains some amendments including the scope of the requirements for onshore power supply, which has been revised to focus on the obligations imposed on ships moored at the quayside, to provide a better framework for the exemptions, and to ensure consistency with the Regulation on the deployment of alternative fuels infrastructure (AFIR). It also gives the EU Member States the option to extend the obligations (Council of the European Union 2022). Furthermore, the Council improved and strengthened the role of companies, verifiers, and the public authorities regarding for a more robust governance system (Council of the European Union 2022, French Presidency 2022). Moreover, the Council revised the provisions on calculating the GHG intensity and the resulting penalties and fines to clarify their scope and prevent circumvention of the regulation and added some provisions regarding a Member State's specific geographical conditions, among others, as well as regarding the outermost regions (Council of the European Union 2022).

4. The rapporteur's report and the European Parliament's delay in decision-making

In the European Parliament, the Committee on Transport and Tourism (TRAN Committee) takes the lead on proposal COM(2021) 562 final, with rapporteur Jörgen Warborn, while the Committee on Environment, Public Health, and Safety (ENVI) and the Committee on Industry, Research and Energy (ITRE) are both associated committees (European Parliament 2022b). On 4 April 2022, rapporteur Jörgen Warborn put forward his draft report, but the process of adopting the report and amendments was delayed. Originally, the adoption of the draft report in the TRAN Committee was scheduled for the meeting on 11-12 July 2022, with the voting in Plenary in September 2022 (COM(2021) 562 final). However, the vote in the European Parliament plenary was postponed from September to October 2022, adding to the delay.

Rapporteur Warborn supports the level of ambition to decarbonise maritime transport and appreciates the technology neutral approach proposed by the Commission (European Parliament 2022b). However, he is concerned about the added significant costs in the transport phase, which would be passed on to the manufacturing and retail phases, and thereby ultimately hitting the consumers. The rapporteur underlines that emission limits must be phased in gradually, to allow stakeholders to adapt in a cost-effective way, and ensuring decarbonisation at a price that is bearable for consumers. The rapporteur also reiterates that Europe's global competitiveness must be safeguarded and that recurring report and review procedures will be paramount to identify possible undesirable consequences and prevent carbon, investment, and job leakage.

Considering that the proposed regulation would be introduced ahead of the IMO global GHG standards, the rapporteur proposes a review clause that would allow fully aligning the EU rules with future IMO rules, and thereby remove any competitive disadvantage for European shipping companies (European Parliament 2022b). Regarding the OPS, the rapporteur insists that the FuelEU Maritime and AFIR must be fully aligned, and that the obligation to connect to OPS supply should apply to ships calling on ports falling within the scope of AFIR (big ports on the TEN-T core and comprehensive network) and not on all EU ports (European Parliament 2022b).

Following a vote by the TRAN Committee on 3 October 2022, the Parliament was expected to vote on its position on the proposal during its October II session from 17 October to 19 October 2022.

5. The TRAN Committee's amendments and the European Parliament's vote on the FuelEU Maritime proposal

One year after the start of negotiations in the Parliament on the European Commission's climate package "Fit for 55", the FuelEU Maritime

proposal finally made its way to the European Parliament's plenary vote on 19 October 2022. The European Parliament's plenary voted with 451 votes in favour to 137 against and 54 abstentions on the FuelEU Maritime proposal.

Regarding the FuelEU Maritime Initiative, the TRAN Committee's report proposes higher cuts to GHG emissions than the original Commission proposal and introduces a target for the use of renewable fuels. The TRAN Committee intends to support the introduction of higher cuts to the vessel's GHG intensity of energy used on board of ships than proposed by the Commission (COM (2021) 562 final). Adopted on 3 October 2022, the TRAN Committee's report on the proposal keeps the Commission's proposed cuts for 2025 and 2030 but introduces three main changes to the Commission's proposal, including higher cuts to GHG intensity of energy used on board ships from 2035 onwards, a sub-quota for renewable Fuels of Non-Biological Origin (RFNBO) fuels by 2030, and a multiplier of 2 to reward companies using RFNBOs, which doubles their contribution to the GHG targets.

The TRAN Committee's report envisages slightly stricter GHG targets, notably a rise of cuts from 13% to 20% in 2035, whereas the 2025 and 2030 targets remain unchanged compared to the 2020 baseline. A cut of 38% follows from 2040, 64% as of 2045 and 80% as of 2050. It also introduces a target of 2% for the use of renewable fuels of non-biological origin from 2030 (European Parliament 2022b). This should be introduced to encourage the uptake of renewable fuels of non-biological origin in the maritime sector (European Parliament 2022c). In fact, the ENVI Committee's rapporteur for opinion Tiemo Wölken proposed a minimum quota for Renewable Fuels of Non-Biological Origin (RFNBO) and an equal obligation on fuel suppliers at port level to ensure supply (European Parliament 2022c). The TRAN Committee supports a sub-quota of at least 2% Renewable Fuels of Non-Biological Origin

(RFNBO) fuels by 2030, which recognises the ENVI Committee's proposed changes. However, the sub-quota for use of RFNBO only applies to large companies until 31 December 2034 (European Parliament 2022b).

Finally, the TRAN Committee wants to introduce a multiplier of 2 to reward companies using RFNBOs. Although the text represents a clear improvement compared to the Commission's version, the TRAN Committee's amendments remain far from the level of ambition proposed by the associated Committees ENVI and ITRE (European Parliament 2022c). In particular, the ENVI Committee's text is more ambitious, providing a clear pathway to zero-emission shipping by 2050 (European Parliament 2022c).

The TRAN Committee's proposal even remains behind commitments from the private sector, with major cargo-owners willing to reach zero-emissions by 2040. The Signatories to the Call to Action for Shipping for Shipping Decarbonization and European shipowners themselves, including A.P. Moller-Maersk, DB Schenker, Hapag-Lloyd, Mitsui O.S.K. Lines, NYK Line, Port of Rotterdam Authority and many other companies and ports call on governments to work together with the industry to deliver the policies and investments needed for decarbonizing global supply chains and the global economy (Global Maritime Forum 2022 n.d.). The vote on these TRAN Committee's amendments took place on 19 October 2022 in the European Parliament's plenary and sets Parliament's position for the trilogue negotiations with the Council and the Commission. The MEPs adopted their position on the use of renewable and low-carbon fuels in maritime transport. GHG emissions from ships should be cut by 2% as of 2025, 20% as of 2035 and 80% as of 2050 compared to the 2020 level, going beyond the Commission's proposal (European Parliament 2022d). These stricter limits are a positive signal towards achieving carbon neutrality in 2050.

However, the limits only apply for ships above a gross tonnage of 5000 GT (European Parliament 2022d). According to the MEP Jutta Paulus, this clearly contradicts the Parliament's position it adopted on the EU-ETS, which covers all ships over 400 GT from 2027 (Paulus 2022).

Furthermore, the MEPs voted in favour of a target of at least 2% Renewable Fuels of Non-Biological Origin (RFNBO) fuels usage and mandated containerships and passenger ships to use onshore power supply while at berth at main EU ports as of 2030 (European Parliament 2022d). To ensure compliance, MEPs favour the introduction of penalties and the revenues generated from these penalties should go to the Ocean Fund to contribute to decarbonising the maritime sector, energy efficiency and zero-emission propulsion technologies (European Parliament 2022d).

However, the European Parliament should have considered to improve the proposal by deleting the exemption from the RFNBO sub-quota for small companies and extended the scope to all ships over 400 GT and raise the mandate on the use of RFNBOs to 6% rather than keeping it on the target of 2%. The adoption of a stronger RFNBO sub-quota would also have been essential to match the European Parliament's position in RED III, which requires fuel suppliers to deliver 1,2% of transport fuels to the maritime use. Secondly, the plenary should have risen the 2030 target to -13% GHG intensity reductions and finally, ensured transparency of the system by requiring the Commission to publish the compliance data, similarly to the MRV annual emissions report (European Parliament 2022c).

According to MEP Jutta Paulus, shadow rapporteur for the FuelEU Maritime file, the maritime sector has so far been excluded from all climate protection measures and the FuelEU Maritime offered the opportunity to put a sector on the path to climate neutrality (Paulus 2022).

According to Paulus, whereas the ENVI and ITRE Committees had corrected fundamental deficiencies

of the limited scope and also made many technically well-founded proposals on how shipping could become climate neutral more quickly, the TRAN proposal as well as the European Parliament's voting has prevented to introduce higher targets while allowing too many exceptions (Paulus 2022).

According to Paulus, the negative aspect in the TRAN proposal and ultimately also in the European Parliament's vote is the limited scope of the FuelEU Maritime, which only applies to ships over 5000 GT. This clearly contradicts Parliament's position on the revised EU-ETS, which covers ships over 400 GT from 2027 (Paulus 2022). Therefore, the Parliament should have voted in favour of extending the proposal's coverage to ships over 400 GT from 2027.

Instead, the TRAN Committee's rapporteur on FuelEU maritime Warborn stressed that "this is by far the world's most ambitious pathway to maritime decarbonization" (European Parliament 2022d). According to Warborn, the Parliament's position ensures that climate targets will be met rapidly and effectively, safeguarding the maritime sector's competitiveness (European Parliament 2022d).

After the European Parliament's Plenary vote on 19 October 2022, the trilogue negotiations with the Council of the European Union and the European Commission can now start.

6. Conclusion

With the adoption of Regulation (EU) No 2015/757 on the monitoring, reporting and verification of CO₂ emissions from maritime transport, the European Commission had accomplished the first step to integrate maritime transport emissions in the EU GHG emission reduction policies.

To achieve the European Green Deal's target of a 90% reduction of GHG emissions in the transport sector by 2050 also measures to reduce the maritime transport's GHG emissions will have to be introduced. Accordingly, the "Fit for 55"

package of legislative proposals of July 2021 also includes the FuelEU Maritime proposal to stimulate demand for clean fuels and help to cut carbon emissions within the maritime sector.

Considering the positions of the ENVI Committee, the ITRE Committee and the shipping industry, the TRAN Committee's proposal and the result of the Parliament's vote might not be sufficient to reach carbon neutrality in the maritime sector.

Even the industry considers stricter limits as several companies want to reach climate neutrality already in 2040 rather than by 2050.

Instead, the European Parliament's voting resulted in a text that not only lacks higher targets, but it also limits the scope of the legislation to ships above 5000 GT and introduces too many exceptions. A coverage of ships over 400 GT from 2027 would have been important because smaller ships have a greater role for intra-EU transport, and they have greater potential for innovation.

Although it would be more suitable to regulate the international maritime transport's GHG emissions at global level, considering the IMO's delays in introducing GHG emission reduction measures, the proposals to include maritime transport within the EU-ETS and to introduce FuelEU Maritime underline the EU's determination to act on the maritime transport's GHG emissions. However, an alignment between the EU rules and future IMO's market-based measures at international level needs to be achieved.

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