



EUROPEAN UNION

THE EUROPEAN PARLIAMENT

THE COUNCIL

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2015/757 in order to provide for the inclusion of maritime transport activities in the EU Emissions Trading System and for the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types

REGULATION (EU) 2023/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

amending Regulation (EU) 2015/757
in order to provide for the inclusion of maritime transport activities
in the EU Emissions Trading System and for the monitoring, reporting
and verification of emissions of additional greenhouse gases
and emissions from additional ship types

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

¹ OJ C 152, 6.4.2022, p. 175.

² OJ C 301, 5.8.2022, p. 116.

³ Position of the European Parliament of 18 April 2023 (not yet published in the Official Journal) and decision of the Council of ...

Whereas:

- (1) The Paris Agreement¹, adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC) (the ‘Paris Agreement’), entered into force on 4 November 2016. The Parties to the Paris Agreement have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels. That commitment has been reinforced with the adoption under the UNFCCC of the Glasgow Climate Pact on 13 November 2021, in which the Conference of the Parties to the UNFCCC, serving as the meeting of the Parties to the Paris Agreement, recognises that the impacts of climate change will be much lower at a temperature increase of 1,5 °C, compared with 2 °C, and resolves to pursue efforts to limit the temperature increase to 1,5 °C.
- (2) The urgency of the need to keep the Paris Agreement goal of 1,5 °C alive has become more significant following the findings of the Intergovernmental Panel on Climate Change in its Sixth Assessment Report that global warming can only be limited to 1,5 °C if strong and sustained reductions in global greenhouse gas emissions within this decade are immediately undertaken.

¹ OJ L 282, 19.10.2016, p. 4.

- (3) Tackling climate- and environmental-related challenges and reaching the objectives of the Paris Agreement are at the core of the communication of the Commission of 11 December 2019 on ‘The European Green Deal’ (the ‘European Green Deal’).
- (4) The European Green Deal combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050, and sets out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy where economic growth is decoupled from resource use. It also aims to protect, conserve and enhance the Union’s natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. This transition affects workers from various sectors differently. At the same time, that transition has gender equality aspects as well as a particular impact on some disadvantaged and vulnerable groups, such as older people, persons with disabilities, persons with a minority racial or ethnic background and low and lower-middle income individuals and households. It also imposes greater challenges on certain regions, in particular structurally disadvantaged and peripheral regions, as well as on islands. It must therefore be ensured that the transition is just and inclusive, leaving no one behind.

- (5) The necessity and the value of delivering on the European Green Deal have only grown in light of the very severe effects of the COVID-19 pandemic on the health, the living and working conditions and the well-being of the Union's citizens. Those effects have shown that our society and our economy need to improve their resilience in relation to external shocks and act early to prevent or mitigate the effects of external shocks in a manner that is just and results in no one being left behind, including those at risk of energy poverty. European citizens continue to express strong views that this applies in particular to climate change.
- (6) The Union committed to reducing the Union's economy-wide net greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030 in the updated nationally determined contribution submitted to the UNFCCC Secretariat on 17 December 2020.

- (7) Through the adoption of Regulation (EU) 2021/1119 of the European Parliament and of the Council¹, the Union has enshrined in legislation the objective of economy-wide climate neutrality by 2050 at the latest and the aim of achieving negative emissions thereafter. That Regulation also establishes a binding Union domestic reduction target for net greenhouse gas emissions (emissions after deduction of removals) of at least 55 % compared to 1990 levels by 2030, and provides that the Commission is to endeavour to align all future draft measures or legislative proposals, including budgetary proposals, with the objectives of that Regulation and, in any case of non-alignment, provide the reasons for such non-alignment as part of the impact assessment accompanying those proposals.

¹ 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') (OJ L 243, 9.7.2021, p. 1).

- (8) All sectors of the economy need to contribute to achieving the emission reductions established by Regulation (EU) 2021/1119. Directive 2003/87/EC of the European Parliament and of the Council¹ is therefore being amended to include maritime transport activities in the EU Emissions Trading System (EU ETS) in order to ensure that those activities contribute their fair share to the increased climate objectives of the Union as well as to the objectives of the Paris Agreement. It is therefore also necessary to amend Regulation (EU) 2015/757 of the European Parliament and of the Council² to take into account the inclusion of maritime transport activities in the EU ETS.

¹ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

² 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 (OJ L 123, 19.5.2015, p. 55).

- (9) Furthermore, to take into account the increased climate objectives of the Union as well as the objectives of the Paris Agreement, the scope of Regulation (EU) 2015/757 should be amended. A robust monitoring, reporting and verification system is a prerequisite for any market-based measure, efficiency standard or other relevant measure, whether applied at Union level or globally. While carbon dioxide (CO₂) emissions represent the large majority of greenhouse gas emissions from maritime transport, methane (CH₄) and nitrous oxide (N₂O) emissions represent a relevant share of such emissions. The inclusion of CH₄ and N₂O emissions in Regulation (EU) 2015/757 would be beneficial for environmental integrity and incentivising good practices, and should apply from 2024. General cargo ships below 5 000 gross tonnage but not below 400 gross tonnage represent a significant share of greenhouse gas emissions of all general cargo ships. To increase the environmental effectiveness of the monitoring, reporting and verification system, ensure a level-playing field and reduce the risk of circumvention, general cargo ships below 5 000 gross tonnage but not below 400 gross tonnage should be included in Regulation (EU) 2015/757 from 2025. Offshore ships emit a relevant share of greenhouse gas emissions. Therefore, that Regulation should also apply to offshore ships of 400 gross tonnage and above from 2025. The Commission should assess before 31 December 2024 whether additional ship types below 5 000 gross tonnage but not below 400 gross tonnage should be included in Regulation (EU) 2015/757.

- (10) Regulation (EU) 2015/757 should be amended to oblige companies to report aggregated emissions data at company level and submit such data to the administering authority responsible and to submit for approval to that authority their verified monitoring plans. When performing verification at company level, the verifier should not verify the emissions reports at ship level or the reports at ship level to be submitted where there is a change of company, as those reports at ship level will have been already verified. To ensure coherence in administration and enforcement, the entity responsible for compliance with Regulation (EU) 2015/757 should be the same as the entity responsible for compliance with Directive 2003/87/EC.

- (11) In order to ensure the effective functioning of the EU ETS at administrative level and to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of Regulation (EU) 2015/757, 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 the monitoring methods and rules and the reporting rules for emissions covered by Regulation (EU) 2015/757, as well as for any other relevant information set out in that Regulation, the rules for the approval of monitoring plans, and changes thereto, by the administering authorities responsible, the rules for the monitoring, reporting and submission of aggregated emissions data at company level and the rules for verification of aggregated emissions data at company level and for the issuance of verification reports in respect of aggregated emissions data at company level. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

¹ OJ L 123, 12.5.2016, p. 1.

- (12) Since the objectives of this Regulation, namely to provide for monitoring, reporting and verification rules that are necessary for an extension of the EU ETS to maritime transport activities and to provide for the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (13) Regulation (EU) 2015/757 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) 2015/757

Regulation (EU) 2015/757 is amended as follows:

(1) the title is replaced by the following:

‘Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of greenhouse gas emissions from maritime transport, and amending Directive 2009/16/EC’;

(2) throughout the Regulation, except in Article 2, Article 5(2) and Article 21(5) and Annexes I and II, the term ‘CO₂’ is replaced by ‘greenhouse gas’ and any necessary grammatical changes are made;

(3) Article 1 is replaced by the following:

‘Article 1

Subject matter

This Regulation lays down rules for the accurate monitoring, reporting and verification of greenhouse gas emissions and of other relevant information from ships arriving at, within or departing from ports under the jurisdiction of a Member State, in order to promote the reduction of greenhouse gas emissions from maritime transport in a cost effective manner.’;

(4) in Article 2, paragraph 1 is replaced by the following:

‘1. This Regulation applies to ships of 5 000 gross tonnage and above in respect of the greenhouse gas emissions released during their voyages for transporting for commercial purposes cargo or passengers from such ships’ last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State.

- 1a. From 1 January 2025, this Regulation shall also apply to general cargo ships below 5 000 gross tonnage but not below 400 gross tonnage in respect of the greenhouse gas emissions released during their voyages for transporting cargo for commercial purposes from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State, and to offshore ships below 5 000 gross tonnage but not below 400 gross tonnage in respect of the greenhouse gas emissions released during their voyages from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State.
- 1b. From 1 January 2025, this Regulation shall apply to offshore ships of 5 000 gross tonnage and above in respect of the greenhouse gas emissions released during their voyages from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State.

1c. The greenhouse gases covered by this Regulation are:

- (a) carbon dioxide (CO₂);
- (b) with regard to emissions released from 2024 onwards, methane (CH₄); and
- (c) with regard to emissions released from 2024 onwards, nitrous oxide (N₂O).

Where this Regulation refers to total aggregated emissions of greenhouse gases or total aggregated greenhouse gas emitted, it shall be understood as referring to the total aggregated amounts of each gas separately.’;

(5) Article 3 is amended as follows:

(a) points (a) to (d) are replaced by the following:

- ‘(a) “greenhouse gas emissions” means the release of the greenhouse gases covered by this Regulation in accordance with Article 2(1c), first subparagraph, by ships;
- (b) “port of call” means a port of call as defined in Article 3, point (z), of Directive 2003/87/EC of the European Parliament and of the Council*;
- (c) “voyage” means any movement of a ship that originates from or terminates in a port of call;

- (d) “company” means the shipping company as defined in Article 3, point (w), of Directive 2003/87/EC;

* Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).’;

- (b) point (m) is replaced by the following:

‘(m) “reporting period” means the period from 1 January until 31 December of any given year; for voyages starting and ending in two different years, the respective data shall be accounted under the year concerned.’;

- (c) the following points are added:

‘(p) “administering authority responsible” means the administering authority in respect of a shipping company referred to in Article 3gf of Directive 2003/87/EC;

(q) “aggregated emissions data at company level” means the sum of emissions of the greenhouse gases covered by Directive 2003/87/EC in relation to maritime transport activities in accordance with Annex I to that Directive and to be reported by a company under that Directive, in respect of all ships under its responsibility during the reporting period.’;

(6) in Article 4, the following paragraph is added:

‘8. Companies shall report the aggregated emissions data at company level of the ships under their responsibility during a reporting period pursuant to Article 11a.’;

(7) in Article 5, paragraph 2 is replaced by the following:

‘2. The Commission is empowered to adopt delegated acts in accordance with Article 23 to amend Annexes I and II to this Regulation, in order to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation, and amendments to Directive 2003/87/EC, as well as to align those Annexes with the implementing acts adopted under Article 14(1) of that Directive, with relevant international rules and with international and European standards. The Commission is also empowered to adopt delegated acts in accordance with Article 23 to amend Annexes I and II to this Regulation in order to refine the elements of the monitoring methods set out therein, in the light of technological and scientific developments and in order to ensure the effective operation of the EU Emissions Trading System (EU ETS) established pursuant to Directive 2003/87/EC.

By 1 October 2023, the Commission shall adopt the delegated acts to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation, as referred to in the first subparagraph of this paragraph. The methods for monitoring CH₄ and N₂O emissions shall be based on the same principles as the methods for monitoring CO₂ emissions as set out in Annex I, with any adjustments necessary to reflect the nature of the relevant greenhouse gas. The methods set out in Annex I and the rules set out in Annex II shall, where appropriate, be aligned with the methods and rules set out in 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.’;

(8) Article 6 is amended as follows:

(a) in paragraph 3, point (b) is replaced by the following:

‘(b) the name of the company and the address, telephone and email details of a contact person and the IMO unique company and registered owner identification number.’;

(b) paragraph 5 is replaced by the following:

‘5. Companies shall use standardised monitoring plans based on templates, and they shall submit those plans using automated systems and data exchange formats. Those templates, including the technical rules for their uniform application, and the technical rules for their automatic submission, shall be determined by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).’;

(c) the following paragraphs are added:

‘6. By 1 April 2024, companies shall, for each of their ships falling within the scope of this Regulation, submit to the administering authority responsible a monitoring plan that has been assessed as being in conformity with this Regulation by the verifier and that reflects the inclusion of CH₄ and N₂O emissions within the scope of this Regulation.

7. Notwithstanding paragraph 6, for ships falling within the scope of this Regulation for the first time after 1 January 2024, companies shall submit a monitoring plan in conformity with the requirements of this Regulation to the administering authority responsible without undue delay and no later than three months after each ship’s first call in a port under the jurisdiction of a Member State.

8. By ... [two years after the date of entry into force of this amending Regulation], the administering authorities responsible shall approve the monitoring plans submitted by companies in accordance with the rules laid down in the delegated acts adopted by the Commission pursuant to the third subparagraph of this paragraph. For ships falling within the scope of Directive 2003/87/EC for the first time after 1 January 2024, the administering authority responsible shall approve the submitted monitoring plan within four months of the ship's first call in a port under the jurisdiction of a Member State, in accordance with the rules laid down in the delegated acts adopted by the Commission pursuant to the third subparagraph of this paragraph.

By 1 October 2023, the Commission shall adopt delegated acts in accordance with Article 23 to amend Articles 6, 7, 8, 9 and 10 as regards the rules contained in those Articles for monitoring plans, to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation.

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Regulation concerning rules for the approval of monitoring plans by the administering authorities responsible.';

(9) Article 7 is amended as follows:

(a) paragraph 4 is replaced by the following:

‘4. Modifications of the monitoring plan under paragraph 2, points (b), (c) and (d), of this Article shall be subject to assessment by the verifier in accordance with Article 13(1). Following the assessment, the verifier shall notify the company as to whether those modifications are in conformity. The company shall submit its modified monitoring plan to the administering authority responsible once it has received a notification from the verifier that the monitoring plan is in conformity.’;

(b) the following paragraph is added:

‘5. The administering authority responsible shall approve modifications of the monitoring plan under paragraph 2, points (a) to (d), in accordance with the rules laid down in the delegated acts adopted by the Commission pursuant to the second subparagraph of this paragraph.

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Regulation concerning rules for the approval of changes in the monitoring plans by the administering authorities responsible.’;

(10) in Article 10, first paragraph, the following point is added:

‘(k) total aggregated emissions of greenhouse gases covered by Directive 2003/87/EC in relation to maritime transport activities in accordance with Annex I to that Directive and to be reported under that Directive, together with the necessary information to justify the application of any relevant derogation from Article 12(3) of that Directive provided for in Article 12(3-e) to (3-b) thereof.’;

(11) Article 11 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

‘From 2025, by 31 March of each year, companies shall, for each ship under their responsibility, submit to the administering authority responsible, to the authorities of the flag States concerned for ships flying the flag of a Member State and to the Commission an emissions report for the entire reporting period of the previous year, which has been verified as satisfactory by a verifier in accordance with Article 13. The administering authority responsible may require companies to submit their emissions reports by a date earlier than 31 March, but not earlier than by 28 February.’;

(b) paragraph 2 is replaced by the following:

‘2. Where there is a change of company, the previous company shall submit to the administering authority responsible, to the authorities of the flag States concerned for ships flying the flag of a Member State, to the new company and to the Commission, as close as practicable to the day of the completion of the change and no later than three months thereafter, a verified report covering the same elements as the emissions report referred to in paragraph 1, but limited to the period corresponding to the activities carried out under its responsibility.’;

(c) the following paragraph is added:

‘4. By 1 October 2023, the Commission shall adopt delegated acts in accordance with Article 23 to amend Articles 11, 11a and 12 concerning the rules for reporting to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation.’;

(12) the following article is inserted:

‘Article 11a

Reporting and submission of the aggregated emissions data at company level

1. Companies shall determine the aggregated emissions data at company level during a reporting period, based on the data of the emissions report and the report referred to in Article 11(2) for each ship that was under their responsibility during the reporting period, in accordance with the rules laid down in the delegated acts adopted pursuant to paragraph 4 of this Article.
2. From 2025, companies shall submit to the administering authority responsible by 31 March of each year the aggregated emissions data at company level that cover the emissions in the reporting period of the previous year to be reported under Directive 2003/87/EC in relation to maritime transport activities, in accordance with the rules laid down in the delegated acts adopted pursuant to paragraph 4 of this Article, and that have been verified in accordance with Chapter III of this Regulation.
3. The administering authority responsible may require companies to submit the verified aggregated emissions data at company level referred to in paragraph 2 by a date earlier than 31 March, but not earlier than by 28 February.

4. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Regulation with the rules for the monitoring and reporting of the aggregated emissions data at company level and the submission of the aggregated emissions data at company level to the administering authority responsible.’;

(13) Article 12 is amended as follows:

- (a) the title is replaced by the following:

‘Format of the emissions report and reporting of aggregated emissions data at company level’;

- (b) paragraph 1 is replaced by the following:

‘1. The emissions report and the reporting of aggregated emissions data at company level shall be submitted using automated systems and data exchange formats, including electronic templates.’;

(14) Article 13 is amended as follows:

- (a) paragraph 2 is replaced by the following:

‘2. The verifier shall assess the conformity of the emissions report and the report referred to in Article 11(2) with the requirements laid down in Articles 8 to 12 and Annexes I and II.’;

(b) the following paragraphs are added:

- ‘5. The verifier shall assess the conformity of the aggregated emissions data at company level with the requirements laid down in the delegated acts adopted pursuant to paragraph 6.

Where the verifier concludes, with reasonable assurance, that the aggregated emissions data at company level are free from material misstatements, the verifier shall issue a verification report stating that the aggregated emissions data at company level have been verified as satisfactory in accordance with the rules laid down in the delegated acts adopted pursuant to paragraph 6.

6. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Regulation with the rules for the verification of the aggregated emissions data at company level, including the verification methods and verification procedure, and the issuance of a verification report.’;

(15) Article 14 is amended as follows:

(a) in paragraph 2, point (d) is replaced by the following:

‘(d) the calculations leading to the determination of the overall greenhouse gas emissions and of the total aggregated emissions of greenhouse gases covered by Directive 2003/87/EC in relation to maritime transport activities in accordance with Annex I to that Directive and to be reported under that Directive.’;

(b) the following paragraph is added:

‘4. When considering the verification of the aggregated emissions data at company level, the verifier shall assess the completeness of the reported data and the consistency of those reported data with the information provided by the company, including its verified emissions reports and reports referred to in Article 11(2).’;

(16) in Article 15, the following paragraph is added:

‘6. In respect of the verification of aggregated emissions data at company level, the verifier and the company shall comply with the verification rules laid down in the delegated acts adopted pursuant to Article 13(6). The verifier shall not verify the emissions report and the report referred to in Article 11(2) of each ship under the responsibility of the company.’;

(17) in Article 16, paragraph 1 is replaced by the following:

- ‘1. Verifiers that assess the monitoring plans, the emissions reports, the reports referred to in Article 11(2) of this Regulation and the aggregated emissions data at company level, and issue the verification reports referred to in Article 13(3) and (5) of this Regulation and documents of compliance referred to in Article 17(1) of this Regulation shall be accredited for activities within the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008.’;

(18) Article 20 is amended as follows:

(a) paragraph 3 is replaced by the following:

‘3. In the case of a ship that has failed to comply with the monitoring and reporting obligations for two or more consecutive reporting periods, and where other enforcement measures have failed to ensure compliance, the competent authority of the Member State of the port of entry may, after giving the opportunity to the company concerned to submit its observations, issue an expulsion order, which shall be notified to the Commission, the European Maritime Safety Agency (EMSA), the other Member States and the flag State concerned. As a result of the issuing of such an expulsion order, every Member State, with the exception of the Member State whose flag the ship is flying, shall refuse entry of the ship concerned into any of its ports until the company fulfils its monitoring and reporting obligations in accordance with Articles 11 and 18. Where such a ship flies the flag of a Member State and enters or is found in one of its ports, the Member State concerned shall, after giving the opportunity to the company concerned to submit its observations, detain the ship until the company fulfils its monitoring and reporting obligations.

Where a ship as referred to in the first subparagraph is found in one of the ports of the Member State whose flag the ship is flying, the Member State concerned may, after giving the opportunity to the company concerned to submit its observations, issue a flag State detention order until the company fulfils its monitoring and reporting obligations. It shall inform the Commission, EMSA and the other Member States thereof.

The fulfilment of those monitoring and reporting obligations shall be confirmed by the notification of a valid document of compliance to the competent national authority which issued the expulsion order. This paragraph shall be without prejudice to international maritime rules applicable in the case of ships in distress.’;

(b) in paragraph 5, the following subparagraph is added:

‘The possibility of derogating under the first subparagraph shall not apply to a Member State whose authority is the administering authority responsible.’;

(19) Article 21 is amended as follows:

(a) in paragraph 2, point (a) is replaced by the following:

‘(a) the identity of the ship (name, company, IMO identification number and port of registry or home port);’;

(b) paragraph 5 is replaced by the following:

‘5. The Commission shall every two years assess the overall impact of maritime transport activities on the global climate, including through emissions or effects of greenhouse gases other than CO₂ and of particles with a global warming potential not covered by this Regulation.’;

(20) the following article is inserted:

‘Article 22a

Review

The Commission shall, no later than 31 December 2024, review this Regulation, in particular taking into account further experience gained in its implementation, inter alia for the purpose of including ships below 5 000 gross tonnage but not below 400 gross tonnage within the scope of this Regulation with a view to a possible subsequent inclusion of such ships within the scope of Directive 2003/87/EC or to proposing other measures to reduce greenhouse gas emissions from such ships. That review shall, where appropriate, be accompanied by a legislative proposal to amend this Regulation.’;

(21) Article 23 is amended as follows:

(a) paragraphs 2 and 3 are replaced by the following:

‘2. The power to adopt delegated acts referred to in Article 5(2), Article 15(5) and Article 16(3) shall be conferred on the Commission for a period of five years from 1 July 2015.

The power to adopt delegated acts referred to in Article 6(8), Article 7(5), Article 11(4), Article 11a(4) and Article 13(6) shall be conferred on the Commission for a period of five years from ... [the date of entry into force of this amending Regulation].

The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the respective five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 5(2), Article 6(8), Article 7(5), Article 11(4), Article 11a(4), Article 13(6), Article 15(5) and Article 16(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power 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.’;

(b) paragraph 5 is replaced by the following:

‘5. A delegated act adopted pursuant to Article 5(2), Article 6(8), Article 7(5), Article 11(4), Article 11a(4), Article 13(6), Article 15(5) or Article 16(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.

However, the first subparagraph, last sentence, of this paragraph shall not apply to delegated acts adopted by 1 October 2023 pursuant to Article 5(2), second subparagraph, Article 6(8), second subparagraph, or Article 11(4).’.

Article 2

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ... [the date of entry into force of this amending Regulation]. However, Article 1, point (5)(a) and point (5)(b), of this Regulation, as regards Article 3, points (b), (d) and (m), of Regulation (EU) 2015/757, shall apply from 1 January 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament

The President

For the Council

The President
