Council of the European Union

Brussels, 20 December 2022
(OR. en)

16219/22

Interinstitutional File:
2021/0210 (COD)

TRANS 803
MAR 225
ENV 1328
ENER 701
IND 572
COMPET 1060
ECO 110
RECH 670
CODEC 2066

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	10327/21 ADD 1-ADD 3
Subject:	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

Delegations will find in the Annex, for information, the initial 4-column table on the above mentioned proposal.

Annex

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 (Text with EEA relevance)

2021/0210(COD)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Formula				
1	2021/0210 (COD)	2021/0210 (COD) P9_TA(2022)0367	2021/0210 (COD) 9810/22	
Proposal Title				
2	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 (Text with EEA relevance)		Proposal for a REGULATION **(EU) …./…** OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL **of…** on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC (Text with EEA relevance)	
Formula				
3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .		Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:		Whereas:	
Recital 1				
		Amendment 1		
11	(1) Maritime transport accounts for around 75% of EU external trade and 31% of EU internal trade in terms of volume. At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11% of all EU CO_2 emissions from transport and 3-4% of total EU CO_2 emissions. 400 million passengers embark or disembark annually in ports of Member States, including around 14 million on	(1) Maritime transport accounts for around 75% of EU external trade and 31% of EU internal trade in terms of volume. ~~*At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11% of all EU CO_2 emissions from transport*~~	(1) Maritime transport accounts for around 75% of EU external trade and 31% of EU internal trade in terms of volume. At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11% of all EU CO_2 emissions from transport and 3-4% of total EU CO_2 emissions. 400 million passengers embark or disembark annually in ports of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	cruise ships. Maritime transport is therefore an essential component of Europe's transport system and plays a critical role for the European economy. The maritime transport market is subject to strong competition between economic actors in the Union and beyond for which a level playing field is indispensable. The stability and prosperity of the maritime transport market and its economic actors rely on a clear and harmonised policy framework where maritime transport operators, ports and other actors in the sector can operate on the basis of equal opportunities. Where market distortions occur, they risk putting ship operators or ports at a disadvantage compared to competitors within the maritime transport sector or in other transport sectors. In turn, this can result in a loss of competitiveness of the maritime transport industry, and a loss of connectivity for citizens and businesses	~~*and 3-4% of total EU CO_2 emissions.*~~ 400 million passengers embark or disembark annually in ports of Member States, including around 14 million on cruise ships. Maritime transport is therefore an essential component of Europe's transport system and plays a critical role for the European economy. The maritime transport market is subject to strong competition between economic actors in the Union and beyond for which a ***global*** level playing field is indispensable. The stability and prosperity of the maritime transport market and its economic actors rely on a clear and harmonised policy framework where maritime transport operators, ports and other actors in the sector can operate on the basis of equal opportunities. Where market distortions occur, they risk putting ship operators or ports at a disadvantage compared to competitors within the maritime transport sector or in other transport sectors. In turn,	Member States, including around 14 million on cruise ships. Maritime transport is therefore an essential component of Europe's transport system and plays a critical role for the European economy. The maritime transport market is subject to strong competition between economic actors in the Union and beyond for which a level playing field is indispensable. The stability and prosperity of the maritime transport market and its economic actors rely on a clear and harmonised policy framework where maritime transport operators, ports and other actors in the sector can operate on the basis of equal opportunities. Where market distortions occur, they risk putting ship operators or ports at a disadvantage compared to competitors within the maritime transport sector or in other transport sectors. In turn, ~~this~~**that** can result in a loss of competitiveness of the maritime transport industry, and a loss of connectivity for citizens and businesses**.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		this can result in a loss of competitiveness of the maritime transport industry, ***fewer jobs*** and a loss of connectivity for citizens and businesses.		
		Amendment 2		
		Recital 1 a (new)		
11a		***(1a) The maritime sector employs 2 million Europeans and contributes EUR 149 billion to the economy. For every EUR 1 million generated in the shipping industry, EUR 1,8 million are generated elsewhere in the EU economy.[1a]*** ***[1a] European Community Shipowners' Association report "The Economic Value of the EU Shipping Industry", 2020.***		
		Amendment 3		
		Recital 1 b (new)		
11b		***(1b) Maritime transport is the most environmentally friendly***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		transport mode with significantly lower greenhouse gas emissions per tonne of goods transported compared to other modes[1a]. At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11 % of all EU CO_2 emissions from transport and 3 to 4 % of total EU CO_2 emissions. CO_2 emissions from maritime transport are expected to increase, unless further action is taken. All sectors of the economy must contribute to the swift reduction of GHG emissions towards net-zero GHG emissions by 2050 at the latest as enshrined in Regulation (EU) 2021/1119. It is therefore essential for the Union to set out an ambitious pathway for the swift ecological transition of the maritime sector, which would also contribute to maintaining and further promoting its global leadership in the green technologies, services and solutions, and to further		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		stimulating job creation in the related value chains while retaining competitiveness. ***[1a] European Community Shipowners' Association report "The Economic Value of the EU Shipping Industry", 2020.***		
Recital 2				
		Amendment 4		
12	(2) To enhance the Union's climate commitment under the Paris Agreement and set out the steps to be taken to achieve climate neutrality by 2050, and to translate the political commitment into a legal obligation, the Commission adopted the (amended) proposal for a Regulation of the European Parliament and of the Council on establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)[1] as well as the Communication 'Stepping up Europe's 2030 climate ambition'[2]. This also integrates the target of reducing greenhouse gas (GHG) emissions by at least 55% compared to 1990 levels by 2030. Accordingly, various complementary policy instruments are needed to	(2) To enhance the Union's climate commitment under the Paris Agreement and set out the steps to be taken to achieve climate neutrality by 2050 ***at the latest***, and to translate the political commitment into a legal obligation, the Commission adopted the (amended) proposal for a Regulation of the European Parliament and of the Council on establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)***[1]***as well as the Communication 'Stepping up Europe's 2030 climate	(2) To enhance the Union's climate commitment under the Paris Agreement ~~and set out the steps to be taken to achieve~~**adopted under the United Nations Framework Convention on** Climate ~~neutrality by 2050, and to translate the political commitment into a legal obligation, the Commission adopted the (amended~~**Change[1] (the 'Paris Agreement'), Regulation (EU)** ~~proposal for a Regulation~~**2021/1119** of the European Parliament and of the Council ~~on~~**of 30 June 2021** establishing the framework for achieving climate neutrality ~~and amending Regulation (EU) 2018/1999 (~~'European Climate Law~~)[1] as well as the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	motivate the use of sustainably produced renewable and low-carbon fuels, included in the maritime transport sector. The necessary technology development and deployment has to happen by 2030 to prepare for much more rapid change thereafter. _____ 1. COM(2020) 563 final 2. COM(2020) 562 final	ambition'*[2]*.This also integrates the target of reducing greenhouse gas (GHG) emissions by at least 55% compared to 1990 levels by 2030. Accordingly, various complementary policy instruments are needed to ~~*motivate*~~ ***promote and speed up a large-scale production and*** the use of sustainably produced renewable and low-carbon fuels, included in the maritime transport sector***, whilst respecting the principle of technological neutrality***. The necessary technology development and deployment ~~*has to happen*~~ ***should be supported as soon as possible and must be under way*** by 2030 to prepare for much more rapid change thereafter. ***It is also essential to foster innovation and to support research for emerging and future innovation such as emerging alternative fuels, eco-design, bio based materials, wind propulsion and wind-assisted propulsion.*** _____ 1. COM(2020) 563 final	~~Communication 'Stepping up Europe's 2030 climate ambition'[2]. This also integrates the target of reducing~~**')[2] aims at cutting** greenhouse gas ~~(GHG)~~ emissions by at least 55% compared to 1990 levels by 2030 **and puts the Union on a path to becoming climate neutral by 2050. Additionally**~~.~~ ~~Accordingly~~, various complementary policy instruments are needed to motivate the use of sustainably produced renewable and low-carbon fuels, ~~included~~**including** in the maritime transport sector. The necessary technology development and **its** deployment ~~has to happen~~**have to take place** by 2030 to prepare for much more rapid change thereafter. _____ 1. ~~COM(2020) 563 final~~**[1] OJ L 282, 19.10. 2016, p. 4.** 2. ~~COM(2020) 562 final~~**[2] OJ L 243, 9.7.2021.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		2. COM(2020) 562 final		
		Amendment 5		
		Recital 2 a (new)		
12a		***(2a) LNG is likely to play a transitional role in maritime transport, enabling a gradual transition towards zero-emission alternatives, especially where there is currently no economically viable zero-emission powertrain technology available. The Communication on the Smart and Sustainable Mobility Strategy points to zero-emission seagoing ships becoming market ready by 2030. Fleet conversion should take place gradually due to the long lifespan of the ships. Transport fuels such as LNG need increasingly to be decarbonised by blending with liquefied biomethane (bio-LNG) or renewable and low-carbon synthetic gaseous e-fuels (e-gas) for instance.***		
Recital 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Amendment 6		
13	(3) In the context of fuel transition to renewable and low carbon fuels and substitute sources of energy, it is essential to ensure the proper functioning of and fair competition in the EU maritime transport market regarding marine fuels, which account for a substantial share of ship operators' costs. Differences in fuel requirements across Member States of the Union can significantly affect ship operators' economic performance and negatively impact competition in the market. Due to the international nature of shipping, ship operators may easily bunker in third countries and carry large amounts of fuel. This may lead to carbon leakage and detrimental effects on the competitiveness of the sector if the availability of renewable and low carbon fuels in maritime ports under the jurisdiction of a Member State is not accompanied by requirements for their use that apply to all ship operators arriving at and departing from ports under the jurisdiction of Member States. This Regulation should lay down measures to ensure that the penetration of renewable low-carbon fuels in the marine fuels market takes place under the conditions of fair competition on the	(3) In the context of fuel transition to renewable and low carbon fuels and substitute sources of energy, it is essential to ensure the proper functioning of and fair competition in the EU maritime transport market regarding marine fuels, which account for a substantial share of ship operators' costs ***- typically between 35 % and 53 % of shipping freight rates. Policy measures must therefore be cost-effective and aim to generate the largest possible decarbonisation at the lowest possible cost***. Differences in fuel requirements across Member States of the Union can significantly affect ship operators' economic performance and negatively impact competition in the market. Due to the international nature of shipping, ship operators may easily bunker in third countries and carry large amounts of fuel***, which could***	(3) In the context of fuel transition to renewable and low ~~carbon fuels~~**carbon-fuels** and substitute sources of energy, it is essential to ensure the proper functioning of and fair competition in the EU maritime transport market regarding ~~marine~~**maritime** fuels, which account for a substantial share of ship operators' costs. Differences in fuel requirements across Member States ~~of the Union~~ can significantly affect ship operators'~~-~~economic performance and negatively impact competition in the market. Due to the international nature of shipping, ship operators may easily bunker in third countries and carry large amounts of fuel. This may lead to carbon leakage and detrimental effects on the competitiveness of the sector if the availability of renewable and ~~low carbon~~**low-carbon** fuels in maritime ports under the jurisdiction of a Member State is not accompanied by requirements for their use that apply to all ship operators arriving at and departing from ports under the jurisdiction of Member States.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	EU maritime transport market.	***also contribute to a risk of loss of competitiveness of Union ports vis-à-vis non-Union ports***. This may lead to carbon ***leakage and business*** leakage and detrimental effects on the competitiveness of the sector if the availability of renewable and low carbon fuels in maritime ports under the jurisdiction of a Member State is not accompanied by requirements for their use that apply to all ship operators arriving at and departing from ports under the jurisdiction of Member States. This Regulation should lay down measures to ensure that the penetration of renewable ***and*** low-carbon fuels in the marine fuels market takes place under the conditions of fair competition on the EU maritime transport market**,** ***leaving shipping operators a lower abatement cost option***. ***The availability of such an option is essential to guarantee the competitiveness of European shipping industries and the relevance of logistic routes linking***	**Therefore,** this Regulation should lay down measures to ensure that the penetration of renewable **and** low-carbon fuels in the ~~marine~~**maritime** fuels market takes place under the conditions of fair competition on the EU maritime transport market.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		European ports with global trade.		
		Amendment 7		
		Recital 3 a (new)		
13a		***(3a) The maritime sector is characterised by fierce international competition. Major differences in regulatory burdens across flag states have exacerbated unwanted practices such as the reflagging of vessels. The sector's intrinsic global character underlines the importance of a flag-neutral approach and of a favourable regulatory environment, which is a precondition for attracting new investment and safeguarding the competitiveness of European ports, ship owners and operators.***		
Recital 4				
		Amendment 8		
14	(4) In order to produce an effect on all the activities of the maritime transport	(4) In order to produce an effect on all the activities of	(4) In order to produce an effect on all the activities ~~of~~**in** the maritime	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	sector, it is appropriate that this Regulation covers a share of the voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country. This Regulation should thus apply to half of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the of the energy used by a ship performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, the entirety of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and the energy used at berth in a port under the jurisdiction of a Member State. Such coverage of a share of the energy used by a ship in both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of this Regulation, including by increasing the positive impact on the environment of such framework. Simultaneously, such framework limits the risk of evasive port calls and the risk of delocalisation of transhipment activities outside the	the maritime transport sector, it is appropriate that this Regulation covers a share of the voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country. This Regulation should thus apply to half of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the of the energy used by a ship performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, the entirety of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and the energy used at berth in a port under the jurisdiction of a Member State. Such coverage of a share of the energy used by a ship in both incoming and	transport sector, ~~it is appropriate that this Regulation covers a share of the voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country.~~ this Regulation should thus apply to half of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the of the energy used by a ship performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, the entirety of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and the energy used at berth in a port under the jurisdiction of a Member State. Such ~~coverage of a share of the energy used by a ship in both incoming and outgoing voyages between the Union and third countries~~ **application** ensures the effectiveness of this Regulation, including by increasing the positive impact on the environment of such	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	Union. In order to ensure smooth operation of maritime traffic, a level playing field among maritime transport operators and among ports, and avoid distortions in the internal market, all journeys arriving or departing from ports under jurisdiction of Member States, as well as the stay of ships in those ports should be covered by uniform rules contained in this Regulation.	outgoing voyages between the Union and third countries ensures the effectiveness of this Regulation, including by increasing the positive impact on the environment of such framework. ~~Simultaneously, such~~ ***This*** framework ~~limits~~ ***should limit*** the risk of evasive port calls and the risk of delocalisation of transhipment activities outside the Union. In order to ensure smooth operation of maritime traffic, a level playing field among maritime transport operators and among ports, and avoid distortions in the internal market, all journeys arriving or departing from ports under jurisdiction of Member States, as well as the stay of ships in those ports should be covered by uniform rules contained in this Regulation. ***The Commission should set up a monitoring scheme specifically to assess carbon leakage and business leakage, as well as potential evasive practices, and draft a list of potential business activities that do not fall***	framework.– Simultaneously, such framework– limits the risk of evasive port calls and the risk of delocalisation of ~~transhipment~~**rerouting** activities outside the Union. In order to ensure smooth operation of maritime traffic **and to avoid distortions in the internal market**, a level playing field among maritime transport operators and among ports~~, and avoid distortions in the internal market,~~ **with regard to** all journeys arriving or departing from ports under jurisdiction of Member States, as well as the stay of ships in those ports should be covered by ~~uniform~~**consistent** rules contained in this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		under significant business activities performed at neighbouring EU port calls. In doing so, if significant carbon leakage and business leakage as well as evasive practices are reported, the Commission should propose measures to tackle these issues.		
		Amendment 9		
		Recital 4 a (new)		
14a		***(4a) Given that this Regulation will impose additional compliance costs on the sector, compensatory actions need to be taken in order to prevent the total level of regulatory burden from increasing. Before the application of this Regulation, the Commission should therefore present proposals offsetting the regulatory burdens introduced by this Regulation, through the amendment or repeal of provisions in other Union legislative acts that generate***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		regulatory burdens in the maritime sector.		
		Amendment 10		
		Recital 4 b (new)		
14b		***(4b) In order to ensure the necessary degree of legal and investment certainty, this Regulation should be closely aligned to and consistent with Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation), the Directive2003/87/EC (EU ETS), Directive XXXX-XXX (Renewable Energy Directive), and Directive 2003/96/EC (Energy Taxation Directive). Such alignment should result in a coherent legislative framework for the shipping sector, that contributes to significantly increasing the production of sustainable alternative fuels, ensures the deployment of the necessary infrastructure and incentivises the use of these fuels in a steadily growing share of vessels. In order to***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		ensure overall consistency with the Union's climate, competitiveness and 'sustainable economic growth' targets the overarching, combined and cumulative climate and economic impacts of those legislative acts should be evaluated comprehensively and continuously.		
		Amendment 11		
		Recital 4 c (new)		
14c		***(4c) The obligation for ports to provide an on-shore power supply should be matched by a corresponding obligation for ships to connect to the charging infrastructure designed to deliver that power supply while at berth, in order to ensure the effectiveness of that infrastructure and avoid the risk of stranded assets. Furthermore, efforts should be made to reduce the costs associated with on-shore charging by permanently exempting electricity supplied to vessels in port from***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		taxation through amendments to Directive XXXX-XXXX (Energy Taxation Directive).		
Recital 5				
15	(5) The rules laid down in this Regulation should apply in a non-discriminatory manner to all ships regardless of their flag. For reasons of coherence with Union and international rules in the area of maritime transport, this Regulation should not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, or government ships used for non-commercial purposes.		(5) The rules laid down in this Regulation should apply in a non-discriminatory manner to all ships regardless of their flag. For reasons of coherence with Union and international rules in the area of maritime transport, this Regulation should **focus on ships with a gross tonnage above 5 000 gross tonnage (GT) and should** not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, **wooden ships of a primitive build, ships not propelled by mechanical means,** or government ships used for non-commercial purposes**. Even though these latter ships above 5 000 GT represent only approximately 55% of all ships calling at ports under the Regulation (EU) 2015/757 of the European Parliament and of the Council, they are responsible for a large majority of carbon dioxide (CO2) emissions from the maritime sector. The**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			Commission should regularly reassess the situation, with a view to eventually extending the scope to ships with a gross tonnage below 5000.	
Recital 5a				
		Amendment 12		
		Recital 5 a (new)		
15a		***(5a) With the increased costs of shipping for the vessels which do not comply with the requirements of this Regulation, the risk of evasive behaviour and circumvention of the provisions of this Regulation, in particular on the segment of liner container trade, should be addressed. Port calls to ports in the Union's vicinity in order to limit the costs of compliance with this Regulation would not only diminish the environmental benefits expected and significantly undermine the objectives pursued by this Regulation, but could lead to***	**(5a) Member States which have no maritime ports in their territory, no accredited verifier, no ships flying their flag that fall within the scope of this Regulation, and which are not an administering State within the meaning of this Regulation would not need to take any action concerning the requirements relating thereto in this Regulation as long as those conditions are fulfilled.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		additional emissions, due to the extra distance travelled to evade the application of this Regulation. It is therefore appropriate to exclude from the concept of port of call certain stops at non-Union ports. That exclusion should target ports in the Union's vicinity where the risk of evasion is the greatest. A limit of 300 nautical miles constitutes a proportionate response to that risk, balancing the additional burden and the risk of evasion. Moreover, the exclusion from the concept of port of call should only target containerships and ports the main activity of which is the transshipment of containers. For such shipments, the risk of evasion also consists in a shift of port hub to ports outside the Union aggravating the effects of the evasion. For this reason, and in the absence of an IMO mandatory scheme on the use of renewable and low carbon fuels for international voyages at the global level		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		that has a similar level of ambition to that of the requirements set out in this Regulation, stops of containerships in a neighbouring container transshipment port should not be considered to be stops in ports of calls within the meaning of this Regulation. In order to ensure that the measure is proportional to the objectives pursued and results in equal treatment, measures in third countries that have an effect equivalent to this Regulation should be taken into account.		
Recital 5b				
		Amendment 13		
		Recital 5 b (new)		
15b		***(5b) In order to take into account the specific situation of island regions, as underlined in Article 174 of the Treaty, and the need to preserve connectivity between islands and peripheral regions with central regions***	**5b) Taking into account the special characteristics and constraints of the outermost regions of the Union, notably their remoteness and insularity, special consideration should be given to preserving their accessibility and efficient**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		of the Union, temporary exemptions should be allowed for voyages performed by passenger ships other than cruise passenger ships between a port of call under the jurisdiction of a Member State and a port of call under the jurisdiction of the same Member State located in an island with fewer than 100 000 permanent residents.	**connectivity by maritime transport. Therefore, only half of the energy used on voyages departing from or arriving to a port of call located in an outermost region should be included in the scope of this Regulation. For the same reasons, temporary exemptions should be allowed for voyages between a port of call located in an outermost region and another port of call located in an outermost region, and to the energy used during their stay within the port of calls of the corresponding outermost regions.**	
Recital 5c				
		Amendment 14		
		Recital 5 c (new)		
15c		***(5c) Taking into account the special characteristics of the outermost regions of the Union, notably their remoteness and insularity,***	**(5c) In order to take into account the specific situation of island regions, as underlined in Article 174 of the Treaty, and the need to preserve connectivity between**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		and the constraints to which they are subject, special consideration should be given to preserving their accessibility, and the ability to connect to them efficiently by means of maritime transport. Therefore, only half of the energy used on voyages departing from or arriving to a port of call located in an outermost region should be included in the scope of this Regulation. For the same reason, temporary exemptions should be allowed for voyages between a port of call located in an outermost region and another port of call located in an outermost region, and to the energy used during their stay within the port of calls of the corresponding outermost regions.	**islands and peripheral regions with central regions of the Union, temporary exemptions should be allowed for voyages performed by passenger ships other than cruise passenger ships between a port of call under the jurisdiction of a Member State and a port of call under the jurisdiction of the same Member State located in an island with less than 200.000 permanent residents.**	
Recital 5d				
		Amendment 15		
		Recital 5 d (new)		
15d		***(5d) To ensure a level playing field for ships, including***	**(5d) Public service obligations**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		those built to operate in ice-covered waters on their way to, from or between Member State ports, specific information relating to a ship's ice class, and to its navigation through ice, should be considered when calculating GHG emission reductions on a vessel basis, as well as in the data monitored and reported on the basis of the Regulation (EU) 2015/757.	**between Cyprus and other Member States should be temporarily exempted. Indeed the maritime connection between Cyprus and continental Europe has been absent for over two decades. Ongoing efforts to set up such a connection under public service obligations aim at effectively respond to the compelling need to provide a service of general interest and ensure connectivity as well as economic, social and territorial cohesion.**	
Recital 5e				
15e			**(5e) With the increased costs of shipping for the vessels non compliant with the requirement of this Regulation, the risk of evasive behavior and circumvention of the provisions of this Regulation, in particular on the segment of liner container trade, should be addressed. Port calls to ports in the Union's vicinity in order to limit costs of compliance with this Regulation would not only diminish the environmental benefits expected and significantly undermine the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			objectives pursued by this Regulation, but may lead to additional emissions due to the extra distance travelled to evade application of this Regulation. It is therefore appropriate to exclude from the concept of port of call certain stops at non-Union ports. That exclusion should be targeted to ports in the Union's vicinity where the risk of evasion is the greatest. A limit of 300 nautical miles constitutes a proportionate response to that risk, balancing the additional burden and the risk of evasion. Moreover, the exclusion from the concept of port of call should only target containerships and ports whose main activity is the transhipment of containers. For such shipments the risk of evasion also consist in a shift of port hub to ports outside the Union aggravating the effects of the evasion. For this reason, and in the absence of an IMO mandatory scheme on the use of renewable and low carbon fuels for international voyages at the global level with a similar level of ambition in comparison with the requirements set out in this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			Regulation, stops of containerships in a neighbouring container transhipment port should not be considered as stops in ports of calls in the sense of this Regulation. To ensure the proportionality and equal treatment of the measure, account should be taken to measures in third countries that have an effect equivalent to this Regulation.	
Recital 5f				
15f			**(5f) Sailing in ice conditions and the technical properties of ice-classed ships cause additional costs to the maritime transport, especially in the northern parts of the Baltic Sea, which could be further increased by this Regulation. These additional costs of ice-classed ships due to sailing in ice conditions and due to their technical properties should thus be mitigated in order to establish a level playing field with other ships. To that purpose, companies should be temporarily allowed to apply an adjusted amount of energy used on-board for those ice-classed**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			ships. The Commission should reassess the need and the methodology of such mechanism, notably in light of the robustness of the monitoring of the data necessary to report the distance and the additional energy of navigation in ice conditions, in the view of a possible prolongation of this measure.	
Recital 5g				
15g			**(5g) In order to create a clear and predictable legal framework and in doing so encourage the market development and deployment of the most sustainable and innovative fuel technologies with growth potential to meet future needs, a dedicated incentive for renewable fuels of non-biological origins is necessary in view of the significant decarbonisation potential of such fuels, and in view of their estimated production costs in the short and mid terms. When produced from renewable electricity and carbon captured directly from the air, synthetic fuels can achieve as high as 100% emissions savings**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			compared to fossil fuels. They also have considerable advantages compared to other types of sustainable fuels with regards to resource efficiency (in particular for water needs) of the production process. However, their production costs are currently much higher than the market price of conventional fuel and are projected to continue to be so in the mid term. Therefore, this Regulation should introduce a dedicated and temporary multiplier supporting the uptake of this technology.	
Recital 6				
		Amendment 16		
16	(6) The person or organisation responsible for the compliance with this Regulation should be the shipping company, defined as the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the	(6) The person or organisation responsible for the compliance with this Regulation should be the shipping company, defined as the ~~shipowner~~ ***ship-owner*** or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the ~~shipowner~~ ***ship-owner*** and that, on assuming such	(6) The ~~person or organisation~~**entity** responsible for **ensuring** the compliance with this Regulation should be the shipping company, defined as the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	International Management Code for the Safe Operation of Ships and for Pollution Prevention. This definition is based on the definition of 'company' in Article 3, point (d) of Regulation (EU) 2015/757 of the European Parliament and of the Council[1], and in line with the global data collection system established in 2016 by the International Maritime Organization (IMO). In line with the polluter pays principle, the shipping company could, by means of a contractual arrangement, hold the entity that is directly responsible for the decisions affecting the greenhouse gas intensity of the energy used by the ship accountable for the compliance costs under this Regulation. This entity would normally be the entity that is responsible for the choice of fuel, route and speed of the ship. _____ 1. 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).	responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention. This definition is based on the definition of 'company' in Article 3, point (d) of Regulation (EU) 2015/757 of the European Parliament and of the Council[1] , and in line with the global data collection system established in 2016 by the International Maritime Organization (IMO). In line with the polluter pays principle, the shipping company could, by means of a contractual arrangement, hold the entity that is directly responsible for the decisions affecting the greenhouse gas intensity of the energy used by the ship accountable for the compliance costs under this Regulation. This entity would normally be the entity that is responsible for the choice of fuel, route and speed of the ship. _____	take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention **as implemented within the Union by Regulation (EC) No 336/2006 of the European Parliament and of the Council[1]. That**~~. This~~ definition is based on the definition of 'company' in Article 3, point (d)**,** of Regulation (EU) 2015/757 of the European Parliament and of the Council[1]~~, and~~[2]**, and is** in line with the global data collection system established in 2016 by the International Maritime Organization (IMO). ~~In line with the polluter pays principle, the shipping company could, by means of a contractual arrangement, hold the entity that is directly responsible for the decisions affecting the greenhouse gas intensity of the energy used by the ship accountable for the compliance costs under this Regulation. This entity would normally be the entity that is responsible for the choice of fuel, route and speed of the ship.~~ _____ 1. ~~Regulation (EU) 2015/757 of the European Parliament and of the Council of~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		[1] 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).	~~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)~~**[1] OJ L 64, 4.3.2006, p. 1**. **2. [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).**	
Recital 6a				
16a			**(6a) Whilst the company should remain responsible for fulfilling monitoring and reporting obligations under this Regulation, as well as for paying the remedial penalties, in accordance with the 'polluter pays' principle and to promote the uptake of cleaner fuels, the entity responsible for purchasing the fuel and/or taking operational decisions that affect the greenhouse gas intensity of the energy used by the ship could, through contractual agreements with the latter, in case of compliance deficit, reimburse or otherwise compensate the company with**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			respect to the cost of the remedial penalties resulting from the operation of the ship. The company may, on contractual basis, request the verifier to calculate the amounts of the penalties corresponding to the operation of the ship by the other entity during the reporting period. For the purpose of this Regulation, operation of the ship means determining the cargo carried, the route and the speed of the ship.	
Recital 7				
		Amendment 17		
17	(7) In order to limit the administrative burden, in particular that of smaller operators, this Regulation should not apply to wooden ships of a primitive build and ships not propelled by mechanical means and focus on ships with a gross tonnage above 5 000. Even though these latter ships represent only approximately 55% of all ships calling at ports under the Regulation (EU) 2015/757 of the European Parliament and of the Council, they are responsible for 90% of the carbon dioxide (CO_2) emissions from the maritime sector.	(7) In order to limit the administrative burden, in particular that of smaller operators, this Regulation should not apply to wooden ships of a primitive build ~~and ships not propelled by mechanical means~~ and focus on ships with a gross tonnage above 5 000. Even though these latter ships represent only approximately 55% of all ships calling at ports under the	(7) ~~In order to limit the administrative burden, in particular that of smaller operators, this Regulation should not apply to wooden ships of a primitive build and ships not propelled by mechanical means and focus on ships with a gross tonnage above 5 000. Even though these latter ships represent only approximately 55% of all ships calling at ports under the Regulation (EU) 2015/757~~**The development and deployment of new fuels and energy solutions**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Regulation (EU) 2015/757 of the European Parliament and of the Council, they are responsible for 90% of the carbon dioxide (CO_2) emissions from the maritime sector.	**requires a coordinated approach to match supply, demand and the provision of appropriate distribution infrastructure. While the current European regulatory framework already partly addresses fuel production with Directive (EU) 2018/2001 of the European Parliament and of the Council[1] and fuel distribution with Directive 2014/94/EU** of the European Parliament and of the Council[2]**, there is also a need for a tool that establishes increasing levels of demand for renewable and low-carbon**~~, they are responsible for 90% of the carbon dioxide (CO_2) emissions from the~~ maritime ~~sector~~**fuels**. _____ **1. [1] Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2001, p. 82).** **2. [2] Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).**	
		Amendment 18		
		Recital 7 a (new)		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
17a		***(7a) In order to ensure the continuing effectiveness of this Regulation, the Commission should monitor its functioning, carrying out impact assessments in respect of the gross tonnage threshold and the ship types covered by this Regulation. The Commission should, in particular, decide whether there are significant reasons to encompass smaller ships and additional ship types within the scope of this Regulation. The Commission should in particular take into account considerations such as the availability of relevant data, the potential GHG emissions reduction and the effectiveness of a scope widening in terms of climate impact, the scale of administrative burden, as well as financial and social consequences thereof.***		
Recital 8				
18	(8) The development and deployment of new fuels and energy solutions requires		(8) ~~The development and deployment of new fuels and~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	a coordinated approach to match supply, demand and the provision of appropriate distribution infrastructure. While the current European regulatory framework already partly addresses fuel production with Directive (EU) 2018/2001 of the European Parliament and of the Council[1] and distribution with Directive 2014/94/EU of the European Parliament and of the Council[2], there is also a need for a tool that establishes increasing levels of demand of renewable and low-carbon maritime fuels. _____ 1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2001, p. 82). 2. Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).		~~energy solutions requires a coordinated approach to match supply, demand and the provision of appropriate distribution infrastructure. While the current European regulatory framework already partly addresses fuel production with Directive (EU) 2018/2001 of the European Parliament and of the Council[1] and distribution with Directive 2014/94/EU of the European Parliament and of the Council[2], there is also a need for a tool that establishes increasing levels of demand of renewable and low-carbon maritime fuels~~**While instruments such as carbon pricing or targets on the carbon intensity of activity promote improvements in energy efficiency, they are not suited to bring about a significant shift towards renewable and low-carbon fuels in the short and medium term. A specific regulatory approach dedicated to the deployment of renewable and low-carbon maritime fuels and substitute sources of energy, such as wind or electricity, is therefore necessary**. _____ ~~1. Directive (EU) 2018/2001 of the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			~~European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2001, p. 82).~~ ~~2~~. ~~Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).~~	
Recital 9				
		Amendment 19		
19	(9) While instruments such as carbon pricing or targets on the carbon intensity of activity promote improvements in energy efficiency, they are not suited to bring about a significant shift towards renewable and low-carbon fuels in the short and medium term. A specific regulatory approach dedicated to the deployment of renewable and low-carbon marine fuels and substitute sources of energy, such as wind or electricity, is therefore necessary.	(9) While instruments such as carbon pricing or targets on the carbon intensity of activity promote improvements in energy efficiency, they are not suited to bring about a significant shift towards renewable and low-carbon fuels in the short and medium term. A specific regulatory approach dedicated to the deployment of renewable and low-carbon marine fuels and substitute sources of energy, such as wind or electricity, is therefore necessary. ***That approach should be implemented in a goal-based, technology-neutral and cost-effective manner.***	(9) ~~While instruments such as carbon pricing or targets on the carbon intensity of activity promote improvements in energy efficiency, they are not suited to bring about a significant shift towards renewable and low-carbon fuels in the short and medium term. A specific regulatory approach dedicated to the deployment of renewable and low-carbon marine fuels and substitute sources of energy, such as wind or electricity, is therefore necessary~~**Policy intervention to stimulate demand for renewable and low-carbon maritime fuels should be goal-based and respect the principle of technological neutrality. Accordingly, limits should be set**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			on the GHG intensity of the energy used on-board by ships without prescribing the use of any particular fuel or technology.	
Recital 10				
		Amendment 20		
20	(10) Policy intervention to stimulate demand of renewable and low-carbon maritime fuels should be goal-based and respect the principle of technological neutrality. Accordingly, limits should be set on the greenhouse gas intensity of the energy used on-board by ships without prescribing the use of any particular fuel or technology.	(10) Policy intervention to stimulate demand of renewable and low-carbon maritime fuels should be goal-based and respect the principle of technological neutrality. Accordingly, ***ambitious*** limits***, in line with the goals of the Paris Agreement,*** should be set on the greenhouse gas intensity of the energy used on-board by ships without prescribing the use of any particular fuel or technology.	(10) ~~Policy intervention to stimulate demand~~**Development and deployment** of renewable and low-carbon ~~maritime fuels~~**fuels with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs** should be ~~goal-based and respect the principle of technological neutrality. Accordingly, limits~~**promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime fuels in the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable maritime fuels produced from**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			feedstocks listed in Parts A and B of Annex IX to Directive (EU) 2018/2001, as well as synthetic maritime fuels should be ~~set on the greenhouse gas intensity of the energy used on-board by ships without prescribing the use of any particular fuel or technology~~**eligible. In particular, sustainable maritime fuels produced from feedstocks listed in Part B of Annex IX to Directive (EU) 2018/2001 are essential, as the most commercially mature technology for the production of such maritime fuels with a view to decarbonising martime transport will already be available in the short term**.	
		Amendment 21		
		Recital 10 a (new)		
20a		***(10a) A dedicated Ocean Fund should be established, channelling revenues generated from the auctioning of maritime allowances within the ETS back to the maritime sector.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Funds provided under the Ocean Fund should be used to support projects and investments related to the improvement of the energy efficiency of ships and ports, to innovative technologies and infrastructure for decarbonising maritime transport, to the production and deployment of sustainable alternative fuels and to the development of zero-emission propulsion technologies.		
Recital 11				
		Amendment 22		
21	(11) Development and deployment of renewable and low carbon fuels with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime fuels in the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection.	(11) Development and deployment of renewable and low carbon fuels ***and propulsion technologies*** with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime fuels in	(11) ~~Development and deployment of renewable and low carbon~~**Indirect land-use change occurs when the cultivation of crops for biofuels, bioliquids and biomass** fuels ~~with a high potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	For this purpose, sustainable maritime fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic maritime fuels should be eligible. In particular, sustainable maritime fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise martime transport already in the short term.	the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable maritime fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic maritime fuels should be eligible. In particular, sustainable maritime fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise ~~martime~~ ***maritime*** transport already in the short term.	~~fuels in the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high~~**displaces traditional production of crops for food and feed purposes. Such additional demand increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional GHG emissions and loss of biodiversity. Research has shown that the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels, bioliquids and biomass fuels, and the extent to which land with high-carbon stock is protected worldwide. The level of GHG emissions caused by indirect land-use change cannot be unequivocally determined with the** level of ~~environmental protection. For this purpose, sustainable maritime~~**precision required for the establishment of emission factors required by the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			application of this Regulation. However, there is evidence that all fuels produced from feedstock ~~listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic maritime~~**cause indirect land-use change to various degrees. In addition to the GHG emissions linked to indirect land-use change – which is capable of negating some or all GHG emissions savings of individual biofuels, bioliquids or biomass** fuels ~~should be eligible. In particular, sustainable maritime fuels produced from feedstock listed in Part B of Annex IX of~~ **indirect land-use change poses risks to biodiversity. That risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. Accordingly, the use of food and feed crop-based fuels should not be promoted under this Regulation.** Directive (EU) 2018/2001 ~~are essential, as currently the most commercially mature technology to decarbonise martime transport already~~**already limits and sets a cap on the contribution of such**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			biofuels, bioliquids and biomass fuels to the GHG emissions savings targets in the ~~short term~~**road and rail transport sector considering their lower environmental benefits, lower performance in terms of greenhouse gas reduction potential and broader sustainability concerns**.	
		Amendment 23		
		Recital 11 a (new)		
21a		***(11a) In order to encourage the early market development and deployment of the most sustainable and innovative fuel technologies with growth potential to meet future needs, a dedicated incentive for renewable fuels of non-biological origin (RFNBO) is necessary. This family of fuels has high potential to introduce renewable energy into the marine bunker fuel mix. In view of significantly higher production costs for RFNBOs in the short and medium terms, it is important***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		to ensure a degree of demand that supports investment in such family of fuels. This Regulation introduces a combination of measures to ensure the support to the uptake of sustainable RFNBOs. These include (a) a multiplier until 2035 to reward companies that decide to opt for these fuels despite their relatively high price, and (b) from 2030 a fixed minimum share of RFNBOs in the fuel energy mix. To facilitate compliance with the minimum share of RFNBOs, flexibility measures according to Articles 17 and 18 of this Regulation should apply. Companies can, by means of contractual arrangements, hold the fuel suppliers accountable for the compliance costs under this Regulation, if RFNBOs were not delivered according to agreed conditions.		
Recital 12				
22	(12) Indirect land-use change occurs when the cultivation of crops for biofuels, bioliquids and biomass fuels		(12) ~~Indirect land-use change occurs when the cultivation of crops for biofuels, bioliquids and~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	displaces traditional production of crops for food and feed purposes. Such additional demand increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional greenhouse gas emissions and loss of biodiversity. Research has shown that the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels, bioliquids and biomass fuels, and the extent to which land with high-carbon stock is protected worldwide. The level of greenhouse gas emissions caused by indirect land-use change cannot be unequivocally determined with the level of precision required for the establishment of emission factors required by the application of this regulation. However, there is evidence that all fuels produced from feedstock cause indirect land-use change to various degrees. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of negating some or all greenhouse gas emissions savings of individual biofuels, bioliquids or biomass fuels – indirect land-use		~~biomass fuels displaces traditional production of crops~~**The maritime sector has currently insignificant levels of demand** for food and feed ~~purposes. Such additional demand increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional greenhouse gas emissions and loss of biodiversity. Research has shown that the scale~~**crops-based biofuels, bioliquids and biomass fuels, since over 99% of currently used maritime fuels are of fossil origin. Therefore, the non-eligibility of food and feed crop-based fuels under this Regulation also minimises any risk to slow down the decarbonisation** of the ~~effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of~~**transport sector, which could otherwise result from a shift of crop-based** biofuels~~, bioliquids and biomass fuels, and the extent to which land with high-carbon stock is protected worldwide. The level~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	change poses risks to biodiversity. This risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. Accordingly, no feed and food crop-based fuels should be promoted. Directive (EU) 2018/2001 already limits and sets a cap on the contribution of such biofuels, bioliquids and biomass to the GHG emissions savings targets in the road and rail transport sector considering their lower environmental benefits, lower performance in terms of greenhouse reduction potential and broader sustainability concerns.		~~of greenhouse gas emissions caused by indirect land-use change cannot be unequivocally determined with the level of precision required for the establishment of emission factors required by the application of this regulation. However, there is evidence that all fuels produced from feedstock cause indirect land-use change to various degrees. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of negating some or all greenhouse gas emissions savings of individual~~ **from the road to the maritime sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector and the maritime transport currently uses predominanetly fuels of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand for food and feed crop-based** biofuels, bioliquids ~~or~~**and** biomass fuels ~~– indirect land-use change poses risks to biodiversity. This risk is particularly serious in connection with a potentially large expansion of production~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			~~determined by a significant increase in demand. Accordingly, no feed and food~~ **by promoting their use under this Regulation. Accordingly, the additional GHG emissions and loss of biodiversity caused by all types of food and feed** crop-based fuels ~~should be promoted. Directive (EU) 2018/2001 already limits and sets a cap on the contribution of such biofuels, bioliquids and biomass to the GHG emissions savings targets in the road and rail transport sector considering their lower environmental benefits, lower performance in terms of greenhouse reduction potential and broader sustainability concerns~~**require that those fuels be considered to have the same emission factors as the least favourable pathway**.	
Recital 13				
		Amendment 24		
23	(13) However, this approach must be stricter in the maritime sector. The maritime sector has currently insignificant levels of demand for food and feed crops-based biofuels,	(13) However, this approach must be stricter in the maritime sector. The maritime sector has currently insignificant levels of demand	(13) ~~However, this approach must be stricter in the maritime sector. The maritime sector has currently insignificant levels of demand for food and feed crops-based biofuels,~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	bioliquids and biomass fuels, since over 99% of currently used marine fuels are of fossil origin. Therefore, the non-eligibility of food and feed crop-based fuels under this Regulation also minimises any risk to slow down the decarbonisation of the transport sector, which could otherwise result from a shift of crop-based biofuels from the road to the maritime sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector and the maritime transport currently uses predominanetly fuels of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels, bioliquids and biomass fuels by promoting their use under this Regulation. Accordingly, the additional greenhouse gas emissions and loss of biodiversity caused by all types of feed and food crop-based fuels require that these fuels be considered to have the same emission factors as the least favourable pathway.	for food and feed crops-based biofuels, bioliquids and biomass fuels, since over 99% of currently used marine fuels are of fossil origin. Therefore, the non-eligibility of food and feed crop-based fuels under this Regulation also minimises any risk to slow down the decarbonisation of the transport sector, which could otherwise result from a shift of crop-based biofuels from the road to the maritime sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector and the maritime transport currently uses ~~predominanetly~~ ***predominantly*** fuels of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels, bioliquids and biomass fuels by promoting their use under this Regulation. Accordingly, the additional greenhouse gas emissions and loss of biodiversity caused by all types of feed and food crop-	~~bioliquids and biomass fuels, since over 99% of currently used marine~~**The long lead times associated to the development and deployment of new** fuels ~~are of fossil origin. Therefore, the non-eligibility of food and feed crop-based fuels under this Regulation also minimises any risk to slow down the decarbonisation of the transport sector, which could otherwise result from a shift of crop-based biofuels from the road to the maritime sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector and the~~**and energy solutions for maritime transport require rapid action and the establishment of a clear and predictable long-term regulatory framework facilitating planning and investment from all the stakeholders concerned. Such regulatory framework will facilitate the development and deployment of new fuels and energy solutions for** maritime transport**, and encourage investment from stakeholders. Such regulatory framework should also define limits for the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		based fuels require that these fuels be considered to have the same emission factors as the least favourable pathway.	**GHG intensity of the energy used on-board by ships until 2050. Those limits should become more ambitious over time to reflect the expected technology development and increased production of renewable and low-carbon maritime** ~~currently uses predominanetly fuels of fossil origin. It is therefore appropriate to avoid the creation of a potentially large demand of food and feed crops-based biofuels, bioliquids and biomass fuels by promoting their use under this Regulation. Accordingly, the additional greenhouse gas emissions and loss of biodiversity caused by all types of feed and food crop-based fuels require that these~~ fuels ~~be considered to have the same emission factors as the least favourable pathway~~.	
Recital 14				
		Amendment 25		
24	(14) The long lead times associated to the development and deployment of new fuels and energy solutions for maritime transport require rapid action and the establishment of a clear and	(14) The long lead times associated ~~to~~ ***with*** the development and deployment of new fuels and energy solutions for maritime	(14) ~~The long lead times associated to the development and deployment of new fuels and energy solutions for maritime transport require rapid action and~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	predictable long-term regulatory framework facilitating planning and investment from all the stakeholders concerned. A clear and stable long-term regulatory framework will facilitate the development and deployment of new fuels and energy solutions for maritime transport, and encourage investment from stakeholders. Such framework should define limits for the greenhouse gas intensity of the energy used on-board by ships until 2050. Those limits should become more ambitious over time to reflect the expected technology development and increased production of marine renewable and low carbon fuels.	transport***, as well as the long average lifespan of ships, which typically range between 25 and 30 years,*** require rapid action and the establishment of a clear and predictable long-term regulatory framework facilitating planning and investment from all the stakeholders concerned. A clear and stable long-term regulatory framework will facilitate the development and deployment of new fuels and energy solutions for maritime transport, and encourage investment from stakeholders. Such framework should define limits for the greenhouse gas intensity of the energy used on-board by ships***, both during navigation and at berth,*** until 2050. Those limits should become more ambitious over time to reflect the expected technology development and increased production of marine renewable and low carbon fuels. ***To ensure legal certainty and to allow sufficient time for the sector***	~~the establishment of a clear and predictable long-term regulatory framework facilitating planning and investment from all the stakeholders concerned. A clear and stable long-term regulatory framework will facilitate the development and deployment of new fuels and energy solutions for maritime transport, and encourage investment from stakeholders. Such framework should define limits for the greenhouse gas intensity of the energy used on-board by ships until 2050. Those limits~~**This Regulation should establish the methodology and the formula that should apply to the calculation of the yearly average GHG intensity of the energy used on-board by a ship. That formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of the consumpted fuels. The use of substitute sources of energy, such as wind or electricity,** should ~~become more ambitious over time to reflect the expected technology development and increased production of marine renewable and low carbon fuels~~**also be**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		to plan and prepare for the long-term, as well as to avoid the risk of stranded assets, any future proposals to amend this Regulation should be limited in scope and should avoid significant changes to the requirements.	**reflected in the methodology**.	
Recital 15				
		Amendment 26		
25	(15) This Regulation should establish the methodology and the formula that should apply to calculate the yearly average greenhouse gas intensity of the energy used on-board by a ship. This formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of these fuels. The use of substitute sources of energy, such as wind or electricity, should also be reflected in the methodology.	(15) This Regulation should establish the methodology and the formula that should apply to calculate the yearly average greenhouse gas intensity of the energy used on-board by a ship. This formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of these fuels. The use of substitute sources of energy, such as wind or ***solar power, generated on-board, or*** electricity ***provided at berth,*** should also be reflected in the methodology.	(15) ~~This Regulation should establish the methodology and the formula that should apply to calculate the yearly average greenhouse gas intensity of the energy used on-board by a ship. This formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of these fuels. The use of substitute sources of energy, such as wind or electricity, should also be reflected in the methodology~~**In order to provide a more complete picture of the environmental performance of the various energy sources, the GHG performance of fuels should be assessed on a well-to-wake basis, taking into account the impacts of energy**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			production, transport, distribution and use on-board. This is to incentivise technologies and production pathways that provide a lower GHG footprint and real benefits compared to the existing conventional fuels.	
Recital 16				
		Amendment 27		
26	(16) In order to provide a more complete picture of the environmental performance of the various energy sources, the GHG performance of fuels should be assessed on a well-to-wake basis, taking into account the impacts of energy production, transport, distribution and use on-board. This is to incentivise technologies and production pathways that provide a lower GHG footprint and real benefits compared to the existing conventional fuels.	(16) In order to provide a more complete picture of the environmental performance of the various energy sources, the GHG performance of fuels should be assessed on a well-to-wake basis, taking into account the impacts of energy production, transport, distribution and use on-board***, accounting for the footprints of the various stages of the fuel lifecycle***. This is to incentivise technologies and production pathways that provide a lower GHG footprint and real benefits compared to the existing conventional fuels.	(16) ~~In order to provide a more complete picture of the environmental~~**The well-to-wake** performance of ~~the various energy sources, the GHG performance of~~**renewable and low-carbon maritime** fuels should be ~~assessed on a well-to-wake basis, taking into account the impacts of energy production, transport, distribution and use on-board. This is to incentivise technologies and production pathways that provide a lower GHG footprint and real benefits compared to the existing conventional fuels~~**established using default or actual and certified emission factors covering the well-to-tank and tank-to-wake emissions. The well-to-tank emission factors and**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			the tank-to-wake CO2 emission factors of fossil fuels should however only be determined through the use of default emission factors as provided for by this Regulation.	
Recital 17				
		Amendment 28		
27	(17) The well-to-wake performance of renewable and low-carbon maritime fuels should be established using default or actual and certified emission factors covering the well-to-tank and tank-to-wake emissions. The performance of fossil fuels should however only be assessed through the use of default emission factors as provided for by this Regulation.	(17) The well-to-wake performance of ~~renewable and low-carbon~~ maritime fuels should be established using default or actual and certified emission factors covering the well-to-tank and tank-to-wake emissions. ~~The performance of fossil fuels should however only be assessed through the use of default emission factors as provided for by this Regulation.~~	(17) **A comprehensive approach on all the most relevant GHG emissions (CO_2, CH_4 and N_2O) is necessary to promote the use of energy sources providing a lower GHG footprint overall. In order to reflect the global warming potential of methane and nitrous oxides, the limit set by this Regulation should therefore be expressed in terms of 'CO_2 equivalent'**~~The well-to-wake performance of renewable and low-carbon maritime fuels should be established using default or actual and certified emission factors covering the well-to-tank and tank-to-wake emissions. The performance of fossil fuels should however only be assessed through the use of default emission factors as provided for by this Regulation~~.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Recital 18				
28	(18) A comprehensive approach on all the most relevant GHG emissions (CO_2, CH_4 and N_2O) is necessary to promote the use of energy sources providing a lower GHG footprint overall. In order to reflect the global warming potential of methane and nitrous oxides, the limit set by this Regulation should therefore be expressed in terms of 'CO_2 equivalent'.		(18) ~~A comprehensive approach on all the most relevant GHG emissions (CO_2, CH_4 and N_2O) is necessary to promote the use of~~**The use of renewable energy sources and alternative propulsion, such as wind and solar energy, greatly reduces the GHG intensity of the overall ship** energy ~~sources providing a lower GHG footprint overall. In order to reflect the global warming potential of methane and nitrous oxides, the limit set by this Regulation should therefore be expressed in terms of 'CO_2 equivalent'~~**use. The difficulty to accurately measure and quantify those energy sources (intermittence of the energy use, direct transfer as propulsion, etc.) should not impede their recognition in the overall ship energy use through means of approximations of their contribution to the ship's energy balance**.	
Recital 19				
29				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	(19) The use of renewable energy sources and alternative propulsion, such as wind and solar energy, greatly reduces the greenhouse gas intensity of the overall ship energy use. The difficulty to accurately measure and quantify these energy sources (intermittence of the energy use, direct transfer as propulsion, etc.) should not impede their recognition in the overall ship energy use through means of approximations of their contribution to the ship's energy balance.		(19) ~~The use of renewable energy sources and alternative propulsion, such as wind and solar energy, greatly reduces the greenhouse gas intensity of the overall ship energy use. The difficulty to accurately measure and quantify these energy sources (intermittence of the energy use, direct transfer as propulsion, etc.) should not impede their recognition in the overall ship energy use through means of approximations of~~**Air pollution produced by ships (sulphur oxides, nitrogen oxides and particulate matter) in ports is a significant concern for coastal areas and port cities. Therefore, specific and stringent obligations should be imposed to reduce emissions from ships moored at the quayside which draw power from** their ~~contribution to the ship's energy balance~~**engines**.	
Recital 20				
30	(20) Air pollution produced by ships (sulphur oxides, nitrogen oxides and particulate matter) at berth is a significant concern for coastal areas and port cities. Therefore, specific and stringent obligations should be imposed		(20) **The use of on-shore power supply (OPS) abates** air pollution produced by ships ~~(sulphur oxides, nitrogen oxides and particulate matter) at berth is a significant concern for coastal areas and port~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	to reduce emissions at berth from ships that draw power from their engines during their stay in port. According to the data collected within the framework of Regulation (EU) 2015/757 in 2018, passenger ships and containerships are the ship categories producing the highest amount of emissions per ship at berth. Accordingly, emissions from these categories of ships should be addressed as a priority.		~~cities. Therefore, specific and stringent obligations should be imposed to reduce emissions at berth from ships that draw power from their engines during their stay in port. According to the data collected within the framework of Regulation (EU) 2015/757 in 2018, passenger ships and containerships are~~**as well as reduces the amount of GHG emissions generated by maritime transport. OPS represents an increasingly clean power supply available to ships , in view of the growing renewables share in the EU electricity mix. While only the provision on OPS connection points is covered by Directive 2014/94/EU , the demand for and, as a result, the deployment of this technology have remained limited. Therefore, specific rules should be established to mandate the use of OPS bycontainerships and passenger ships, being** the ship categories **which are** producing the highest amount of emissions per ship **while moored at the quayside, according to the data collected within the framework of Regulation (EU) 2015/757 in 2018**~~at berth.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			~~Accordingly, emissions from these categories of ships should be addressed as a priority~~.	
Recital 21				
		Amendment 29		
31	(21) The use of on-shore power supply (OPS) abates air pollution produced by ships as well as reduces the amount of GHG emissions generated by maritime transport. OPS represents an increasingly clean power supply available to ships at berth, in view of the growing renewables share in the EU electricity mix. While only the provision on OPS connection points is covered by Directive 2014/94/EU (Alternative Fuels Infrastructure Directive – AFID), the demand for and, as a result, the deployment of this technology has remained limited. Therefore specific rules should be established to mandate the use of OPS by the most polluting ships.	(21) The use of on-shore power supply (OPS) abates air pollution produced by ships ***at berth*** as well as reduces the amount of GHG emissions generated by maritime transport ***when at berth***. OPS represents an increasingly clean power supply available to ships at berth, in view of the growing ***shares of*** renewables ~~**share**~~ ***and fossil free energy sources*** in the EU electricity mix. While only the provision on OPS connection points is covered by Directive 2014/94/EU (Alternative Fuels Infrastructure Directive – AFID), the demand for and, as a result, the deployment of this technology has remained limited. ~~Therefore~~ ***To ensure that air pollution at berth is abated and that OPS infrastructure is economically***	(21) ~~The use of on-shore power supply (OPS) abates air pollution produced by ships as well as reduces the amount of GHG emissions generated by maritime transport. OPS represents an increasingly clean power supply available to ships at berth, in view of the growing renewables share in the EU electricity mix. While only the provision on OPS connection points is covered by Directive 2014/94/EU (Alternative Fuels Infrastructure Directive – AFID), the demand for and, as a result, the deployment of this technology has remained limited. Therefore specific rules~~**In addition to OPS, other technologies might be capable of offering equivalent environmental benefits in ports. When the use of an alternative technology is demonstrated to be equivalent to the use of OPS, a ship** should be ~~established to~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		viable and delivers a return on investment, specific rules should be established to mandate the use of OPS by the most polluting ships ***in situations where that use would effectively reduce emissions at a reasonable cost***.	~~mandate the use of OPS by the most polluting ships~~**exempted from the obligation to use OPS**.	
Recital 22				
		Amendment 30		
32	(22) In addition to OPS, other technologies might be capable of offering equivalent environmental benefits in ports. When the use of an alternative technology is demonstrated to be equivalent to the use of OPS, a ship should be exempted from its use of OPS.	(22) In addition to OPS, other ***zero emission*** technologies might be capable of offering equivalent environmental benefits in ports. When the use of an alternative technology is demonstrated to be equivalent to the use of OPS, ***in terms of air pollution and GHG emissions reduction,*** a ship should be exempted from its use of OPS.	(22) ~~In addition to OPS, other technologies might be capable of offering equivalent environmental benefits in ports. When the use of an alternative technology is demonstrated to be equivalent to the use of OPS, a ship~~**Different OPS projects and solutions have been tested for ships at anchorage, but there is currently no mature and scalable technical solution available. For this reason, the obligation to use OPS should be limited to ships moored at the quayside in the first place. Nevertheless, the Commission should regularly reassess the situation, with a view to extending this obligation to ships at anchorage, when the due**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			technologies are mature enough. In the meantime, Member States should be ~~exempted from its use of OPS~~**allowed to impose such obligation to ships at anchorage, for example in ports that are already equipped with such technology or are located in areas where any pollution should be avoided**.	
Recital 23				
		Amendment 31		
33	(23) Exceptions to the use of OPS should also be provided for a number of objective reasons, certified by the managing body of the port of call and limited to unscheduled port calls for reasons of safety or saving life at sea, for short stays of ships at berth of less than two hours as this is the minimum time required for connection, and for the use of on-board energy generation under emergency situations.	(23) Exceptions to the use of OPS should also be provided for a number of objective reasons, certified by the managing body of the port of call ~~and~~***, the terminal operator or the competent authority, depending on the governance model for ports in the different Member States. Those exceptions should be*** limited to unscheduled port calls for reasons of safety or saving life at sea, for short stays of ships at berth of less than two hours as this is the minimum time required for connection, and for the use of	(23) Exceptions ~~to the~~ **from the obligation to** use ~~of~~ OPS should also be provided for a number of objective reasons, ~~certified~~**subject to verification** by the ~~managing body~~**competent authority of the Member State** of the port of call **or any entity duly authorised, after consultation of the managing body of the port where appropriate,** and limited to unscheduled **and not systematic** port calls for reasons of safety or saving life at sea, ~~for~~**to** short stays of ships **moored at the quayside**~~at berth~~ of less than two hours as this is the minimum time required for connection, ~~and for~~**to**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		on-board energy generation under emergency situations. ***If it is impossible to supply sufficient on-shore power, due to insufficient capacity in the local grid connected to the port, this should not be considered to be a failure by the port or by the ship owner or operator to comply with the requirements of this Regulation, provided that the insufficient local grid capacity is duly attested by the grid manager to the verifiers.***	**unavailability or incompatibility of OPS, to** the use of on-board energy generation under emergency situations **and to maintenance and functional tests**.	
Recital 24				
		Amendment 32		
34	(24) Exceptions in case of unavailability or incompatibility of OPS should be limited after ship and port operators have had sufficient time to make the necessary investments, in order to provide the necessary incentives for those investments and avoid unfair competition. As of 2035, ship operators should plan carefully their port calls to make sure that they can carry out their activities without emitting air pollutants and GHG at berth and compromise the environment	(24) Exceptions in case of unavailability or incompatibility of OPS should be limited after ship and port operators have had sufficient time to make the necessary investments, in order to provide the necessary incentives for those investments and avoid unfair competition. ***In order to ensure full interoperability, ports should equip their***	(24) Exceptions in case of unavailability or incompatibility of OPS should be limited ~~after ship and port operators have had sufficient time to make the necessary investments~~, in order to provide the necessary incentives for those investments and avoid unfair competition. ~~As of 2035, ship operators should plan carefully their port~~ **Therefore, while some exceptions shoud be possible for example for**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	in coastal areas and port cities. A limited number of exceptions in case of unavailability or incompatibility of OPS shoud be maintained in order to provide the possibility for occasional last-minute changes in port call schedules and calls in ports with incompatible equipment.	***berths, and ship owners their vessels, with power installations that comply with applicable standards.*** ~~As of~~ ***From*** 2035, ship operators should plan carefully their ~~port~~ calls ***at TEN-T ports covered by the Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation)*** to make sure that they can carry out their activities without emitting air pollutants and GHG at berth and compromise the environment in coastal areas and port cities. A limited number of exceptions in case of unavailability or incompatibility of OPS ~~shoud~~ ***should*** be maintained in order to provide the possibility for occasional last-minute changes in port call schedules and calls in ports with incompatible equipment. ***In order to mitigate the risk of stranded assets, incompatibility of OPS infrastructure on board and at berth as well as alternative fuel demand and supply imbalances, frequent consultation meetings***	**occasional last-minute changes in port call schedules and** calls ~~to make sure that they can carry out their activities without emitting air pollutants and GHG at berth and compromise the environment in coastal areas and port cities. A limited number of exceptions in case of unavailability or incompatibility of OPS shoud be maintained in order to provide the possibility for occasional last-minute changes in port call schedules and calls in ports with incompatible equipment~~**in ports with incompatible equipment, those exceptions should be limited in ports which are covered by the obligation to offer OPS connections in application of AFIR[1]. Ship operators should thus plan carefully their port calls to make sure that they can carry out their activities without emitting air pollutants and GHG while ships are moored at the quayside and compromising the environment in coastal areas and port cities**. _____ **1. Exact title to be added later.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		between relevant stakeholders should be organised to discuss and take decisions on requirements and future plans.		
Recital 24a				
		Amendment 33		
		Recital 24 a (new)		
34a		***(24a) The targets for provision of OPS laid down in Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation) take into account the types of vessels served and the respective traffic volumes of maritime ports. The requirement for ships to connect to OPS while at berth should not apply to vessels when calling at ports outside the scope of the OPS requirement by that Regulation, unless the port has OPS installed and available at the visited berth. If a ship calls at a non-TEN-T port at which OPS is available, that ship should connect to the OPS while at berth.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Amendment 34		
		Recital 24 b (new)		
34b		***(24b) Even if OPS is an important tool to reduce local emissions of air pollutants, its potential to reduce greenhouse gas emissions depends entirely on the energy mix that is fed through the cables. To realise the full climate and environmental potential of OPS, Member States should increase the capacity and connectivity of electricity grids and continue to reduce the GHG intensity of their energy mixes, so as to provide ports with affordable, plannable and fossil free electricity.***	**(24b) Considering the positive effects of the use of OPS on local air pollution and the need to incentivise the ramp up of this technology in the short term, the carbon intensity of the production of the electricity supplied at berth should be counted at zero. The Commission should envisage the possibility to take into account the GHG emissions associated to the electricity delivered via OPS at a later stage.**	
		Amendment 35		
		Recital 24 c (new)		
34c		***(24c) The implementation of this Regulation should take due account of the diverse governance models for ports across the Union, in***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		particular as regards the responsibility for issuing a certificate exempting a vessel from the obligation to connect to OPS.		
		Amendment 36		
		Recital 24 d (new)		
34d		***(24d) Coordination between ports and ship operators is crucial to ensure smooth connection procedures to on-shore power in ports. Ship operators should inform the ports they call at about their intentions to connect to on-shore power and the amount of power needed during the given call, in particular when it exceeds the estimated needs for this ship category.***		
Recital 25				
		Amendment 37		
35	(25) A robust monitoring, reporting and verification system should be put in place by this Regulation in order to trace compliance with its provisions. Such system should apply in a non-	(25) A robust ***and transparent*** monitoring, reporting and verification system should be put in place by this Regulation in order to trace compliance	(25) A robust monitoring, reporting and verification system should be put in place by this Regulation in order to trace compliance with its provisions. Such system should	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	discriminatory way to all ships and require third party verification in order to ensure the accuracy of the data submitted within this system. In order to facilitate achieving the objective of this Regulation, any data already reported for the purpose of Regulation (EU) 2015/757 should be used, when necessary, for verifying compliance with this Regulation in order to limit administrative burden imposed on companies, verifiers and maritime authorities.	with its provisions. Such system should apply in a non-discriminatory way to all ships and require third party verification in order to ensure the accuracy of the data submitted within this system. In order to facilitate achieving the objective of this Regulation, any data already reported for the purpose of Regulation (EU) 2015/757 should be used, when necessary, for verifying compliance with this Regulation in order to limit administrative burden imposed on companies, verifiers and maritime authorities.	apply in a non-discriminatory way to all ships and require third party verification in order to ensure the accuracy of the data submitted within ~~this~~**that** system. In order to facilitate achieving the objective of this Regulation, any data already reported for the ~~purpose~~**purposes** of Regulation (EU) 2015/757 should be used, when necessary, for verifying compliance with this Regulation in order to limit administrative burden imposed on companies, verifiers and ~~maritime~~**competent** authorities.	
Recital 26				
		Amendment 38		
36	(26) Companies should be responsible for monitoring and reporting the amount and type of energy used on-board by ships in navigation and at berth, as well as other relevant information, such as information on the type of engine on board or presence of wind assisting technologies, with a view to showing compliance with the limit on the greenhouse gas intensity of the	(26) Companies should be responsible for monitoring and reporting the amount and type of energy used on-board by ships in navigation and at berth, as well as other relevant information, such as information on the type of engine on board ~~or presence of~~ ***and the technical***	(26) Companies should be responsible for monitoring and reporting the amount and type of energy used on-board by ships in navigation and at berth, as well as other relevant information, such as information on the type of engine on board or presence of wind assisting technologies, with a view to showing compliance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	energy used on-board by a ship set out by this Regulation. To facilitate the fulfilment of these monitoring and reporting obligations and the verification process by the verifiers, similarly to Regulation (EU) 2015/757, companies should document the envisaged monitoring method and provide further details on the application of the rules of this Regulation in a monitoring plan. The monitoring plan, as well as its subsequent modifications, if applicable, should be submitted to the verifier.	***specification of the*** wind assisting technologies***, or any other alternative source of energy present on-board***, with a view to showing compliance with the limit on the greenhouse gas intensity of the energy used on-board by a ship set out by this Regulation. To facilitate the fulfilment of these monitoring and reporting obligations and the verification process by the verifiers, similarly to Regulation (EU) 2015/757, companies should document the envisaged monitoring method and provide further details on the application of the rules of this Regulation in a monitoring plan. The monitoring plan, as well as its subsequent modifications, if applicable, should be submitted to the verifier.	limit on the ~~greenhouse gas~~ **GHG** intensity of the energy used on-board by a ship set out by this Regulation. To facilitate the fulfilment of ~~these~~**those** monitoring and reporting obligations and the verification process by the verifiers, similarly to Regulation (EU) 2015/757, companies should document the envisaged monitoring method and provide further details on the application of the rules of this Regulation -in a monitoring plan. The monitoring plan, as well as its subsequent modifications, if applicable, should be submitted to **and assessed by** the verifier.	
Recital 26a				
36a			**(26a) In order to limit the administrative burden, a unique monitoring, reporting and verification system for shipping companies should, to the extent possible, be achieved for the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			implementation of European regulations on reduction of GHG emissions from shipping. To that purpose, shortly after the publication of this Regulation, the Commission should examine the consistency and possible duplication between this Regulation and Regulation (EU) 2015/757 and, where appropriate, prepare a legislative proposal to amend this Regulation or Regulation (EU) 2015/757.	
Recital 27				
		Amendment 39		
37	(27) Certification of fuels is essential to achieve the objectives of this Regulation and guarantee the environmental integrity of the renewable and low-carbon fuels that are expected to be deployed in the maritime sector. Such certification should be undertaken by means of a transparent and non-discriminatory procedure. With a view to facilitating certification and limiting the administrative burden, the certification of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel should rely on	(27) ***A robust*** certification ***and monitoring*** of fuels is essential to achieve the objectives of this Regulation and guarantee the environmental integrity of the renewable and low-carbon fuels that are expected to be deployed in the maritime sector. Such certification should be undertaken by means of a transparent and non-discriminatory procedure. With a view to facilitating	(27) Certification of fuels is essential to achieve the objectives of this Regulation and guarantee the environmental integrity of the renewable and low-carbon fuels that are expected to be deployed in the maritime sector. Such certification should be undertaken by means of a transparent and non-discriminatory procedure. With a view to facilitating certification and limiting the administrative burden, ~~the certification of~~ biofuels, biogas, renewable fuels of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	the rules established by Directive (EU) 2018/2001. This approach of certification should also apply to fuels bunkered outside the Union, which should be considered as imported fuels, in a similar way as Directive (EU) 2018/2001. When companies intend to depart from the default values provided for by that Directive or this new framework, this should only be done when values can be certified by one of the voluntary schemes recognised under Directive (EU) 2018/2001 (for well-to-tank values) or by means of laboratory testing or direct emissions measurements (tank-to-wake).	certification and limiting the administrative burden, the certification of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel should rely on the rules established by Directive (EU) 2018/2001. This approach of certification should also apply to fuels bunkered outside the Union, which should be considered as imported fuels, in a similar way as Directive (EU) 2018/2001. When companies intend to depart from the default values provided for by that Directive or this new framework, this should only be done when values can be certified by one of the voluntary schemes recognised under Directive (EU) 2018/2001 (for well-to-tank values) or by means of ~~laboratory testing or~~ direct emissions measurements (tank-to-wake).	non-biological origin and recycled carbon ~~fuel~~**fuels defined in accordance with Directive (EU) 2018/2001** should rely on the rules established by **said** directive ~~(EU) 2018/2001. This~~**for certification . That** approach ~~of~~**to** certification should also apply to fuels bunkered outside the Union, which should be considered as imported fuels, in a similar way as **in** Directive (EU) 2018/2001. ~~When~~**Where** companies intend to depart from the default values provided for by that Directive or **by** this new framework, ~~this~~**that** should only be done when values can be certified by one of the voluntary schemes recognised under Directive (EU) 2018/2001 (for well-to-tank values) or by means of laboratory testing or direct emissions measurements (tank-to-wake).	
		Amendment 40		
		Recital 27 a (new)		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		(27a) The reliability and accuracy of the information concerning the characteristics of fuels is essential for the enforcement of this Regulation. Fuel suppliers that have been proven to have provided misleading or inaccurate information about the greenhouse gas intensity of the fuels they supply should be subject to a penalty. Fuel suppliers who have repeatedly provided false or misleading information should be blacklisted from the certification schemes laid down in Directive EU 2018/2001 (Renewable Energy Directive). In such cases, any fuels bunkered from its facilities should be considered to have the same emission factor as the least favourable fossil fuel.		
Recital 28				
		Amendment 41		
38	(28) Verification by accredited verifiers should ensure the accuracy and completeness of the monitoring and	(28) Verification by accredited verifiers should ensure the accuracy and completeness of	(28) Verification ~~by accredited verifiers should ensure the accuracy and completeness of the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	reporting by companies and the compliance with this Regulation. In order to ensure impartiality, verifiers should be independent and competent legal entities and should be accredited by national accreditation bodies established pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council[1]. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008).	the monitoring and reporting by companies and the compliance with this Regulation. In order to ensure impartiality ***and effectiveness***, verifiers should be independent and competent legal entities and should be accredited ***and overseen*** by national accreditation bodies established pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council[1]. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No	~~monitoring and reporting by companies and the compliance with this Regulation~~**activities are carried out by verifiers**. In order to ensure impartiality, verifiers should be independent and competent legal entities and should be accredited by national accreditation bodies established pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council[1]. **Verifiers should be equipped with means and staff commensurate with the size of the fleet for which they perform verification activities under this Regulation. Verification should ensure the accuracy and completeness of the monitoring and reporting by companies and the compliance with this Regulation.** _____ 1. **[1]** Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008**, p. 30**).	
Recital 29				
39				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	(29) Based on the data and information monitored and reported by companies, the verifiers should calculate and establish the yearly average greenhouse gas intensity of energy used on-board by a ship and the ship's balance with respect to the limit, including any compliance surplus or deficit, as well as the respect of the requirements to use on-shore power supply at berth. The verifier should notify this information to the company concerned. Where the verifier is the same entity as the verifier for the purpose of Regulation (EU) 2015/757, such notification could be done together with the verification report under that Regulation. Such information should be then reported by the company concerned to the Commission.		(29) Based on the data and information monitored and reported by companies, the verifiers should calculate and establish the yearly average ~~greenhouse gas~~ **GHG** intensity of energy used on-board by a ship and the ship's balance with respect to the limit, including any compliance surplus or deficit, as well as the respect of the ~~requirements~~**obligation** to use ~~on-shore power supply at berth~~**OPS** . The verifier should notify ~~this~~**that** information to the company concerned. Where the verifier is the same entity as the verifier for the ~~purpose~~**purposes** of Regulation (EU) 2015/757, such notification could be done together with the verification report under that Regulation. ~~Such information should be then reported by the company concerned to the Commission.~~	
Recital 30				
40	(30) The Commission should establish and ensure the functioning of an electronic database that registers the performance of each ship and ensures its compliance with this Regulation. In		(30) The Commission should establish and ensure the functioning of an electronic **FuelEU** database that registers the performance of each ship and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	order to facilitate reporting and limit administrative burden to companies, verifiers and other users, this electronic database should build upon the existing THETIS-MRV module and take into account the possibility to reuse information and data collected for the purpose of Regulation (EU) 2015/757.		ensures its compliance with this Regulation**. This database should be used for all most important actions necessary to fullfill the obligations set out in this Regulation.** In order to facilitate reporting and limit administrative burden to companies, verifiers and other users, ~~this~~**that** electronic database should build upon the existing THETIS-MRV module ~~and take into account~~**or, to the extent possible, should be developed as an upgraded version of it. That electronic database should also enable** the possibility to reuse information and data collected for the ~~purpose~~**purposes** of Regulation (EU) 2015/757.	
Recital 31				
41	(31) Compliance with this Regulation would depend on elements that could be beyond control of the company, such as issues related to fuel availability or fuel quality. Therefore, companies should be allowed the flexibility of rolling-over a compliance surplus from one year to another or borrowing an advance compliance surplus, within certain limits, from the following year. The use		(31) Compliance with this Regulation would depend on elements that could be beyond control of the company, such as issues related to fuel availability or fuel quality. Therefore, companies should be allowed the flexibility of rolling-over a compliance surplus from one year to another or borrowing an advance compliance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	of OPS at berth, being of high importance for local air quality in port cities and coastal areas should not be eligible for similar flexibility provisions.		surplus, within certain limits, from the following year. The use of OPS at berth, being of high importance for local air quality in port cities and coastal areas should not be eligible for similar flexibility provisions.	
		Amendment 42		
		Recital 31 a (new)		
41a		***(31a) Companies and fuel suppliers could, by means of contractual arrangements, agree on mutual commitments to produce, supply and purchase predetermined quantities of certain fuels. Such contractual arrangements should also cover liability and establish conditions for financial compensation in cases where fuels are not made available as agreed.***		
Recital 32				
42	(32) In order to avoid technology lock-in and continue supporting the		(32) In order to avoid technology lock-in and continue supporting the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	deployment of most performant solutions, companies should be allowed to pool the performances of different ships and use the possible over-performance of one ship to compensate for the under-performance of another ship. This creates a possibility to reward overcompliance and incentivates investment in more advanced technologies. The possibility to opt for pooled compliance should remain voluntary and subject to agreement of the concerned companies.		deployment of most performant solutions, companies should be allowed to pool the performances of different ships**. To this purpose,** ~~and use~~ the possible over-performance of one ship **could be used** to compensate ~~for~~ the under-performance of ~~another ship~~**other ships, provided that the total pooled compliance is positive**. This creates a possibility to reward overcompliance and incentivates investment in more advanced technologies. The possibility to opt for pooled compliance should remain voluntary and **should be** subject to agreement of the **companies** concerned~~ companies~~.	
Recital 33				
43	(33) A document of compliance ('FuelEU certificate of compliance') issued by a verifier following the procedures established by this Regulation, should be kept on board ships as evidence of compliance with the limits on the greenhouse gas intensity of the energy used on-board by a ship a with the requirements on the use of OPS at berth. Verifiers should inform the Commission of the issuance of such documents.		(33) A document of compliance ('FuelEU ~~certificate~~**document** of compliance') issued by a verifier **or, where applicable, the competent authority of the administering State,** following the procedures established by this Regulation, should be ~~kept on board~~**held by** ships as evidence of compliance with the limits on the ~~greenhouse gas~~**GHG** intensity of the energy used on-board by a ship	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			~~a~~**and** with the ~~requirements~~**obligations** on the use of OPS ~~at berth~~. Verifiers ~~should inform the Commission~~**or, where applicable, the competent authority** of the **administering State should record in the FuelEU database the** issuance of ~~such documents~~**the FuelEU document of compliance** .	
Recital 34				
44	(34) The number of non-compliant port calls should be determined by verifiers in accordance with a set of clear and objective criteria taking into account all the relevant information, including time of stay, the amount of each type and energy consumed, and the application of any excluding conditions, for each port call in the Union. This information should be made available by the companies to the verifiers for the purpose of determining compliance.		(34) The number of non-compliant port calls should be determined by verifiers in accordance with a set of clear and objective criteria taking into account all ~~the~~ relevant information, including time of stay, the amount of each type and energy consumed, and the application of any excluding conditions, for each port call in the Union. ~~This~~**That** information should be made available by the companies to the verifiers for the purpose of determining compliance.	
Recital 35				
45	(35) Without prejudice to the possibility of complying through the flexibility and		(35) Without prejudice to the possibility of complying through	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	pooling provisions, the ships that do not meet the limits on the yearly average greenhouse gas intensity of the energy used on-board shall be subject to a penalty that has dissuasive effect. The penalty should be proportionate to the extent of the non-compliance and remove any economic advantage of non-compliance, thus preserving a level playing field in the sector. It should be based on the amount and cost of renewable and low-carbon fuel that the ships should have used to meet the requirements of the Regulation.		the flexibility and pooling provisions, the ships that do not meet the limits on the yearly average ~~greenhouse gas~~**GHG** intensity of the energy used on-board ~~shall~~**should** be subject to a **remedial** penalty that has dissuasive effect~~. The penalty should be proportionate~~**, isproportionate** to the extent of the non-compliance and ~~remove~~**removes** any economic advantage of non-compliance, thus preserving a level playing field in the sector. ~~It~~**The remedial penalty** should be based on the amount and cost of renewable and low-carbon ~~fuel~~**fuels** that the ships should have used to meet the requirements of ~~the~~**this** Regulation.	
Recital 36				
		Amendment 43		
46	(36) The penalty imposed for each non-compliant port call should be proportionate to the cost of using the electricity and at sufficient level to have a dissuasive effect from the use of more polluting energy sources. The penalty should be based on the power installed on board the vessel, expressed in	(36) The penalty imposed for each non-compliant port call should be proportionate to the cost of using the electricity and at sufficient level to have a dissuasive effect from the use of more polluting energy sources. The penalty should be	(36) ~~The~~**A remedial** penalty **should be** imposed **also** for each non-compliant port call**. That remedial penatly** should be proportionate to the cost of using the electricity ~~and~~ at sufficient level**, should** ~~to~~ have a dissuasive effect from the use of more	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	megawatts, multiplied by a fixed penalty in EUR per hour of stay at berth. Due to lack of accurate figures on the cost of providing OPS in the Union, this rate should be based on the EU average electricity price for non-household consumers multiplied by a factor of two to account for other charges related to the provision of the service, including among others connection costs and investment recovery elements.	based on the power installed on board the vessel, expressed in megawatts, multiplied by a fixed penalty in EUR per hour of stay at berth. Due to lack of accurate figures on the cost of providing OPS in the Union, this rate should be based on the ***most updated*** EU average electricity price for non-household consumers multiplied by a factor of two to account for other charges related to the provision of the service, including among others connection costs and investment recovery elements.	polluting energy sources~~. The penalty~~ **and** should be ~~based on the power installed on board the vessel, expressed in megawatts, multiplied by a fixed penalty in EUR per hour of stay~~**equal to a fixed amount in EUR multiplied by the established total electrical power demand of the ship at berth and by the total number of rounded-up hours spent** at berth **in non-compliance with OPS requirements**. Due to lack of accurate figures on the cost of providing OPS in the Union, this rate should be based on the EU average electricity price for non-household consumers multiplied by a factor of two to account for other charges related to the provision of the service, including among others connection costs and investment recovery elements.	
Recital 37				
		Amendment 44		
47	(37) The revenues generated from the payment of penalties should be used to promote the distribution and use of renewable and low-carbon fuels in the maritime sector and help maritime	(37) The revenues generated from the payment of penalties should be ~~used to promote the distribution and use of renewable and low-carbon~~	(37) The revenues generated **and collected by the administering States** from the payment of **remedial** penalties should be used to promote the distribution and use	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	operators to meet their climate and environmental goals. For this purpose these revenues should be allocated to the the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC.	~~fuels in~~ ***earmarked for*** the maritime sector and ~~help maritime operators to meet their climate and environmental goals.~~***used to promote its decarbonisation, including support for alternative fuels development, production and deployment, alternative fuels infrastructure and OPS infrastructure, as well as new innovative technologies*** For this purpose these revenues should be allocated to the the ~~Innovation~~ ***Ocean*** Fund referred to in Article ~~10a(8)~~ ***3gab*** of Directive 2003/87/EC.	of renewable and low-carbon fuels in the maritime sector and help maritime operators to meet their climate and environmental goals. ~~For this purpose these revenues should be allocated to the the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC.~~	
Recital 38				
48	(38) Enforcement of the obligations relating to this Regulation should be based on existing instruments, namely those established under Directive 2009/16/EC of the European Parliament and of the Council[1] and Directive 2009/21/EC of the European Parliament and of the Council[2]. The document confirming compliance of the ship with the requirements of this Regulation should be added to the list of certificates and documents referred to in Annex IV to Directive 2009/16/EC.		(38) Enforcement of the obligations relating to this Regulation should be based on existing instruments, ~~namely~~**including** those established under ~~Directive~~**Directives** 2009/16/EC[1] **and 2009/21/EC** of the European Parliament and of the Council[1] ~~and Directive 2009/21/EC of the European Parliament and of the Council[22]~~**. Additionally, Member States should lay down the rules on effective,**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	_____ 1. Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57). 2. Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).		**proportionate and dissuasive sanctions applicable to infringements of this Regulation. To avoid undue or double punishment for the same infringements, such sanctions should not duplicate the remedial penalties applied in case a ship has a compliance deficit or made non-compliant port calls**. The document confirming compliance of the ship with the requirements of this Regulation should be added to the list of certificates and documents referred to in Annex IV to Directive 2009/16/EC. _____ 1. **[1]** Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57). 2. **[2]** Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).	
Recital 38a				
48a			**(38a) In order to reduce the administrative burden on shipping companies, one Member State for each shipping company should be responsible**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			for supervising the enforcement of this Regulation. The provisions laid down in the ETS Directive[1] should be used to determine the administering State in respect of each shipping company. The administering State should be allowed to conduct additional checks on the compliance of a specific ship with this Regulation, for the two previous reporting periods and should also ensure that the remedial penalties are paid in due time. _____ **1. Exact title to be added later.**	
Recital 39				
		Amendment 45		
49	(39) Given the importance of consequences that the measures taken by the verifiers under this Regulation may have for the companies concerned, in particular regarding the determination of non-compliant port calls, calculation of the amounts of penalties and refusal to issue a FuelEU certificate of compliance, those companies should be entitled to apply for a review of such measures to the	(39) Given the importance of consequences that the measures taken by the verifiers under this Regulation may have for the companies concerned, in particular regarding the determination of non-compliant port calls, ***the compiling of information for the*** calculation of the amounts of penalties and refusal to	(39) Given the importance of consequences that the measures taken by the verifiers under this Regulation– may have for the companies concerned, in particular regarding the determination of non-compliant port calls, calculation of the amounts of **remedial** penalties and refusal to issue a FuelEU ~~certificate~~**document** of compliance, those companies	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	competent authority in the Member State where the verifier was accredited. In the light of the fundamental right to an effective remedy, enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, decisions taken by the competent authorities and the managing bodies of the port under this Regulation should be subject to judicial review, carried out in accordance with the national law of the Member State concerned.	issue a FuelEU certificate of compliance, those companies should be entitled to apply for a review of such measures to the competent authority in the Member State where the verifier was accredited. In the light of the fundamental right to an effective remedy, enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, decisions taken by the competent authorities and the managing bodies of the port under this Regulation should be subject to judicial review, carried out in accordance with the national law of the Member State concerned.	should be entitled to apply for a review of such measures to the competent authority ~~in~~**of** the Member State where the verifier was accredited. In the light of the ~~fundamental~~ right to an effective remedy, enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, decisions taken by the competent authorities ~~and the managing bodies of the port~~ under this Regulation should be subject to ~~judicial review~~**review by a court of the Member State of that competent authority**, carried out in accordance with ~~the~~**its** national law ~~of the Member State concerned~~.	
Recital 40				
		Amendment 46		
50	(40) In order to maintain a level playing field through the efficient functioning of this Regulation, 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 amendment of the list of well-to-wake emission factors, amendment of the list	(40) In order to maintain a level playing field through the efficient functioning of this Regulation, 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	(40) In order to maintain a level playing field through the efficient functioning of this Regulation, 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 amendment of the list of well-to-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	of the applicable zero-emission technologies or criteria for their use, to establish the rules on conducting the laboratory testing and direct emissions measurements, adaptation of the penalty factor, accreditation of verifiers, adaptation of the penalty factor, and modalities for the payment of penalties. 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 on Better Law-Making of 13 April 2016. 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.	amendment of the list of well-to-wake emission factors, amendment of the list of the applicable zero-emission technologies or criteria for their use, to establish ***the rules on certifying actual well-to-tank emissions,*** ~~the laboratory testing and~~ the rules on conducting direct emissions measurements, adaptation of the penalty factor, accreditation of verifiers, adaptation of the penalty factor, and modalities for the payment of penalties. 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 on Better Law-Making of 13 April 2016. 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	wake emission factors, ~~amendment~~ **establishment** of the ~~list of the applicable zero-emission technologies or criteria for their use, to establish the rules on conducting the laboratory testing and direct emissions measurements~~**rules on conducting the laboratory testing and direct emissions measurements or by referring to ISO appropriate test standards in case such standards have been developed**, adaptation of ~~the~~**a remedial** penalty factor~~, accreditation of verifiers, adaptation~~ **based on the developments in the cost of energy and amendment** of the ~~penalty~~**numerical** factor **amount of the remedial penalty, based on the indexation of the average cost of electricity in the Union,** ~~, and modalities for the payment of penalties~~. 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 ~~on Better Law-Making~~ of 13 April 2016 **on Better Law-**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	**Making**[1]. 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. [1] OJ L 123, 12.5.2016, p. 1.**	
Recital 41				
51	(41) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. When establishing by means of implementing acts the templates for standardised monitoring plans, including the technical rules for their uniform application, the Commission should take into account the possibility of reusing information and data collected for the purpose of Regulation (EU) 2015/757.		(41) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. When establishing**,** by means of implementing acts**, the list and acceptance criteria of the technologies and the way they are operated to be considered as zero-emission technologies,** the templates for standardised monitoring plans, including the technical rules for their uniform	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	_____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).		application**, further specifications of the rules for verification activities, further methods and criteria for the accreditation of verifiers, rules for access rights to and the functional and technical specifications of the FuelEU database and the modalities for the payment of the remedial penalties,** the Commission should take into account the possibility of reusing information and data collected for the ~~purpose~~**purposes** of Regulation (EU) 2015/757. _____ 1. **[1]** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 42				
		Amendment 47		
52	(42) Given the international dimension of the maritime sector, a global approach to limiting the greenhouse gas intensity of the energy used by ships is	(42) Given the international dimension of the maritime sector, a global approach to limiting the greenhouse gas	(42) Given the international dimension of the maritime sector, a global approach to limiting the ~~greenhouse gas~~**GHG** intensity of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	preferable as it could be regarded as more effective due to its broader scope. In this context, and with a view to facilitating the development of international rules within the International Maritime Organisation (IMO), the Commission should share relevant information on the implementation of this Regulation with the IMO and other relevant international bodies and relevant submissions should be made to the IMO. Where an agreement on a global aproach is reached on matters of relevance to this Regulation, the Commission should review the present Regulation with a view to aligning it, where appropriate, with the international rules.	intensity of the energy used by ships is preferable as it ~~could be regarded as~~ ***would be significantly*** more effective due to its broader scope. In this context, and with a view to facilitating the development of international rules within the International Maritime Organisation (IMO), the Commission should share relevant information on the implementation of this Regulation with the IMO and other relevant international bodies and relevant submissions should be made to the IMO***, continuing the EU's efforts to promote ambitious maritime decarbonisation targets on an international level***. Where an agreement on a global ***approach*** is reached on matters of relevance to this Regulation, the Commission should review the present Regulation ~~with a view to aligning it, where appropriate,~~ ***to align it*** with the international rules.	the energy used by ships is preferable as it could be regarded as more effective due to its broader scope. In this context, and with a view to facilitating the development of international rules within the ~~International Maritime Organisation (IMO)~~**IMO**, the Commission should share relevant information on the implementation of this Regulation with the IMO and other relevant international bodies**,** and relevant submissions should be made to the IMO. Where an agreement on a global ~~aproach~~**approach** is reached on matters of relevance to this Regulation, the Commission should review ~~the present~~**this** Regulation with a view to aligning it, where appropriate, with the international rules.	
		Amendment 48		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Recital 42 a (new)		
52a		***(42a) To ensure an international level playing field and maximise the environmental impact of legislation on renewable and low-carbon fuels, the Commission and Members States should promote within the IMO and other international organisations robust certification and monitoring systems for renewable fuels.***		
		Amendment 49		
		Recital 42 b (new)		
52b		***(42b) The Commission should ensure implementation and availability of tools for collaboration and exchange of best practices for the maritime transport sector, as defined in the 'Better Regulation Guidelines.'[1a]*** ***[1a] European Commission, Brussels, Commission Staff Working Document, Better Regulation Guidelines,***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		3.11.2021 SWD(2021) 305 final.		
Recital 43				
		Amendment 50		
53	(43) The uptake of renewable and low-carbon fuels and substitute sources of energy by ships arriving at, within or departing from ports under the jurisdiction of a Member State across the Union, is not an objective that can be sufficiently achieved by the Member States without risking to introduce barriers to the internal market and distortions of competition between ports and between maritime operators. This objective can be better achieved by introducing uniform rules at Union level that create economic incentives for maritime operators to continue operating unimpededly while meeting obligations on the use of renewable and low-carbon fuels. Accordingly, 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 that objective,	(43) The ***development and large-scale*** uptake of renewable and low-carbon fuels and substitute sources of energy by ships arriving at, within or departing from ports under the jurisdiction of a Member State across the Union, is not an objective that can be sufficiently achieved by the Member States without risking to introduce barriers to the internal market and distortions of competition between ports and between maritime operators. This objective can be better achieved by introducing uniform rules at Union level that create economic incentives for maritime operators to continue operating unimpededly while meeting obligations on the use of renewable and low-carbon fuels. Accordingly, the Union may adopt measures, in	(43) **Since the objective of this Regulation, namely** the uptake of renewable and low-carbon fuels and substitute sources of energy by ships arriving at, within or departing from ports under the jurisdiction of a Member State across the Union, ~~is not an objective that can~~**cannot** be sufficiently achieved by the Member States without risking to introduce barriers to the internal market and distortions of competition between ports and between maritime operators~~. This objective can~~**, but can rather** be better achieved by introducing uniform rules at Union level that create economic incentives for maritime operators to continue operating unimpededly while meeting obligations on the use of renewable and low-carbon fuels~~. Accordingly~~, ~~the~~ Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		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 that objective,	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 that objective~~,~~**.**	
Formula				
54	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	
CHAPTER I				
55	CHAPTER I GENERAL PROVISIONS		CHAPTER I GENERAL PROVISIONS	
Article 1				
56	Article 1 Objective and purpose		Article 1 Objective and purpose	
Article 1, first paragraph, introductory part				
57	This Regulation lays down uniform rules imposing:		This Regulation lays down uniform rules imposing:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 1, first paragraph, point (a)				
		Amendment 51		
58	(a) the limit on the greenhouse gas ('GHG') intensity of energy used on-board by a ship arriving at, staying within or departing from ports under the jurisdiction of a Member State and	*(a)* ~~the~~ ***a*** limit on the greenhouse gas ('GHG') intensity of energy used on-board by a ship arriving at, staying within or departing from ports under the jurisdiction of a Member State and	(a) the limit on the greenhouse gas ('GHG') intensity of energy used on-board by a ship arriving at, staying within or departing from ports under the jurisdiction of a Member State and	
Article 1, first paragraph, point (b)				
		Amendment 52		
59	(b) the obligation to use on-shore power supply or zero-emission technology in ports under the jurisdiction of a Member State,	(b) ~~the~~ ***an*** obligation to use on-shore power supply or zero-emission technology in ports under the jurisdiction of a Member State**.**	(b) the obligation to use on-shore power supply or zero-emission technology in ports under the jurisdiction of a Member State,	
Article 1, first paragraph, first paragraph				
		Amendment 53		
60	in order to increase consistent use of renewable and low-carbon fuels and substitute sources of energy across the Union, while ensuring the smooth operation of maritime traffic and avoiding distortions in the internal market.	~~in order~~ ***Its purpose in doing so is*** to increase consistent use of renewable and low-carbon fuels and substitute sources of energy ***in maritime transport*** across the Union***, in line with the Union's objective of reaching climate neutrality at***	in order to increase consistent use of renewable and low-carbon fuels and substitute sources of energy **in maritime transport** across the Union, while ensuring ~~the~~**its** smooth operation ~~of maritime traffic~~ and avoiding distortions in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		the latest by 2050 and the goals of the Paris Agreement, while ensuring the smooth operation of maritime traffic***,*** ***creating development opportunities for the maritime industry*** and avoiding distortions in the internal market.	the internal market.	
Article 2				
61	Article 2 Scope		Article 2 Scope	
Article 2, first paragraph, introductory part				
		Amendment 54		
62	This Regulation applies to all ships above a gross tonnage of 5000, regardless of their flag in respect to:	This Regulation applies to all ships above a gross tonnage of 5000, regardless of their flag in respect ~~to~~ ***of***:	This Regulation applies to all ships above a gross tonnage of 5000 **that serve the purpose of transporting passengers or cargo for commercial purposes**, regardless of their flag**,** in respect to:	
Article 2, first paragraph, point (a)				
63	(a) the energy used during their stay within a port of call under the jurisdiction of a Member State,		(a) the energy used during their stay within a port of call under the jurisdiction of a Member State,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 2, first paragraph, point (b)				
		Amendment 55		
64	(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	(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~~	(b) the entirety of the energy used on voyages from a port of call under the jurisdiction of a Member State, ~~and~~ **without prejudice to paragraph 1(bbis),**	
Article 2, first paragraph, point (ba)				
		Amendment 56		
		Article 2 – paragraph 1 – point b a (new)		
64a		***ba) half of the energy used on voyages departing from or arriving at a port of call located in an outermost region under the jurisdiction of a Member State, and***	**(bbis) a half of the energy used on voyages departing from or arriving to a port of call located in an outermost region under the jurisdiction of a Member State,**	
Article 2, first paragraph, point (c)				
		Amendment 57		
65	(c) a half of the energy used on voyages departing from or arriving to a port of call under the jurisdiction of a Member	(c) ~~a~~ half of the energy used on voyages departing from or arriving ~~to~~ ***at*** a port of call	(c) a half of the energy used on voyages departing from or arriving to a port of call under the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	State, where the last or the next port of call is under the jurisdiction of a third country.	under the jurisdiction of a Member State, where the last or the next port of call is under the jurisdiction of a third country.	jurisdiction of a Member State, where the last or the next port of call is under the jurisdiction of a third country.	
Article 2, first paragraph, point (ca)				
65a			**The neighbouring container transhipment ports excluded from the definition of ports of call for containerships, as specified in Article 3(i), are defined in accordance with this paragraph. The Commission is empowered to adopt implementing acts in accordance with Article 27(3) in order to establish the list of the neighbouring container transhipment ports. The first list shall be established before 31 December 2025 and it shall be updated before 31 December every [two] year[s] thereafter. Those implementing acts shall list neighbouring container transhipment ports located outside the Union but less than 300 nautical miles of the Union territory, where the share of transhipment of containers, measured in twenty-foot equivalent unit, exceeds 65% of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			the total container traffic of that port during the most recent twelve-month period for which relevant data are available. For the purpose of this paragraph containers shall be considered as transhipped when they are unloaded from a ship to the port for the sole purpose of loading them on another ship. The list shall not include ports located in a third country that effectively applies measures with an equivalent level of ambition in comparison with the requirements set out in this Regulation.	
Article 2, first paragraph, point (cb)				
65b			**(1bis) Member States may exempt, at the latest until 31 December 2029, specific routes and ports from the application of paragraphs 1(a) and 1(b) concerning the energy used on voyages performed by passenger ships other than cruise passenger ships between a port of call under the jurisdiction of a Member State and a port of call under the jurisdiction of the same Member State located in an**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			island with less than 200.000 permanent residents, and concerning the energy used during their stay within a port call of the corresponding island. Member States shall notify those exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European Union.	
Article 2, first paragraph, point (cc)				
65c			**(1ter) Member States may exempt, at the latest until 31 December 2029, specific routes and ports from the application of paragraphs 1(a) and 1(bbis) concerning the energy used on voyages between a port of call located in an outermost region and another port of call located in an outermost region, and concerning the energy used during their stay within the ports of call of the corresponding outermost regions. Member States shall notify those exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			Union.	
Article 2, first paragraph, point (cd)				
65d			**(1quatr) By way of derogation, this Regulation shall not apply to passenger ships performing voyages under the scope of a public service obligation between Cyprus and other Member States until 31 December 2029.**	
Article 2, second paragraph				
		Amendment 58		
66	This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, ships not propelled by mechanical means, or government ships used for non-commercial purposes.	This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, ~~,~~ ~~ships not propelled by mechanical means,~~ or government ships used for non-commercial purposes.	This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, ships not propelled by mechanical means, or government ships used for non-commercial purposes.	
		Amendment 59		
66a		**Article 2 – paragraph 2 a (new)**		
		By 31 December 2025, the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
66b		***Commission shall adopt an implementing act establishing the list of neighbouring container transshipment ports excluded from the definition of ports of call for containerships set out in this Regulation***		
66c		***At least every two years thereafter, the Commission shall adopt implementing acts updating that list of neighbouring container transshipment ports excluded from the definition of ports of call for containerships set out in this Regulation.***		
66d		***Those implementing acts shall list neighbouring container transhipment ports located outside the Union but less than 300 nautical miles of the Union territory, where the share of transhipment of containers, measured in twenty-foot equivalent unit, exceeds 65 % of the total container traffic of that port during the most recent twelve-month period for which relevant data are available.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
66e		***For the purpose of that list, containers shall be considered to be transshipped when they are unloaded from a ship to the port for the sole purpose of loading them on another ship. Ports located in a third country that effectively applies measures that are as ambitious as the requirements set out in this Regulation shall not be included.***		
66f		***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).***		
		Amendment 60		
66g		**Article 2 – paragraph 2 b (new)**		
66h		***Member States may, in respect of the energy used on voyages performed by passenger ships other than cruise passenger ships between a port of call under the jurisdiction of a Member State and a port of call under the jurisdiction of the same***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Member State located in an island with fewer than 100 000 permanent residents, and in respect of the energy used during their stay within a port call of the corresponding island, exempt specific routes and ports from the application of paragraph 1(a) and (b). Member States shall notify those exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European Union. No such exemptions shall apply beyond 31 December 2029.		
		Amendment 61		
66i		**Article 2 – paragraph 2 c (new)**		
66l		***Member States may, in respect of the energy used on voyages between a port of call located in an outermost region and another port of call located in an outermost region, and in respect of the energy used during their stay within the ports of call of the corresponding outermost***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		regions, exempt specific routes and ports from the application of paragraph 1(a) and (ba). Member States shall notify those exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European Union. No such exemptions shall apply beyond 31 December 2029. Nothing shall prevent Member States, their regions and territories, from deciding not to apply this exemption or from bringing any exemption that they have granted to an end before 31 December 2029.		
		Amendment 62		
66m		**Article 2 – paragraph 2 d (new)**		
66n		***Member States may, in respect of the energy used on voyages performed in the framework of a public service contract or on voyages undertaken by vessels subject to public service obligations in accordance to Council Regulation (EEC) No***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		3577/92, exempt specific routes from the application of paragraph 1. Member States shall notify such exemptions prior to their entry into force to the Commission, which shall publish them in the Official Journal of the European Union. No such exemptions shall apply beyond 31 December 2029.		
		Amendment 63		
66o		**Article 2 – paragraph 2 e (new)**		
66p		***The Commission shall continuously monitor the impact of this Regulation on cargo diversion, in particular via transshipment ports in neighbouring countries. Where the Commission identifies major negative impacts on Union ports, the Commission shall submit legislative proposals to the European Parliament and to the Council to amend this Regulation. In particular, the Commission shall analyse the impact of this Regulation on outermost regions and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		islands, and shall, where appropriate, propose amendments to the scope of this Regulation.		
Article 3				
67	Article 3 Definitions		Article 3 Definitions	
Article 3, first paragraph, introductory part				
68	For the purposes of this Regulation, the following definitions apply:		For the purposes of this Regulation, the following definitions apply:	
Article 3, first paragraph, point (a)				
69	(a) 'greenhouse gas emissions' means the release of carbon dioxide (CO_2), methane (CH_4) and nitrous oxides (N_2O) into the atmosphere;		(a) 'greenhouse gas emissions' means the release of carbon dioxide (CO_2), methane (CH_4) and nitrous ~~oxides~~**oxide** (N_2O) into the atmosphere;	
Article 3, first paragraph, point (b)				
70	(b) 'biofuels' means biofuels as defined in Article 2, point (33), of Directive (EU) 2018/2001;		(b) 'biofuels' means biofuels as defined in Article 2, point (33), of Directive (EU) 2018/2001;	
Article 3, first paragraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
71	(c) 'biogas' means biogas as defined in Article 2, point (28), of Directive (EU) 2018/2001;		(c) 'biogas' means biogas as defined in Article 2, point (28), of Directive (EU) 2018/2001;	
Article 3, first paragraph, point (d)				
72	(d) 'recycled carbon fuels' means recycled carbon fuels as defined in Article 2, point (35), of Directive (EU) 2018/2001;		(d) 'recycled carbon fuels' means recycled carbon fuels as defined in Article 2, point (35), of Directive (EU) 2018/2001;	
Article 3, first paragraph, point (da)				
72a			**(da) 'sailing in ice conditions' means sailing of an ice-classed ship in a sea area within the ice edge;**	
Article 3, first paragraph, point (e)				
73	(e) 'renewable fuels of non-biological origin' means renewable fuels of non-biological origin as defined in Article 2, point (36), of Directive (EU) 2018/2001;		(e) 'renewable fuels of non-biological origin' means renewable fuels of non-biological origin as defined in– Article 2, point (36), of Directive (EU) 2018/2001;	
Article 3, first paragraph, point (ea)				
73a			**(ea) 'ice edge' is defined by**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			paragraph 4.4. of the WMO Sea-Ice Nomenclature, March 2014 as the demarcation at any given time between the open sea and sea ice of any kind, whether fast or drifting;	
Article 3, first paragraph, point (f)				
74	(f) 'food and feed crops' means food and feed crops as defined in Article 2, point (40), of Directive (EU) 2018/2001;		(f) 'food and feed crops' means food and feed crops as defined in Article 2, point (40), of Directive (EU) 2018/2001;	
Article 3, first paragraph, point (g)				
75	(g) 'zero-emission technology' means a technology fulfilling the requirements of Annex III that does not imply the release of the following greenhouse gases and air pollutants into the atmosphere by ships: carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O), sulphur oxides (SO_x), nitrogen oxides (NO_x) and particulate matter (PM);		(g) 'zero-emission technology' means a technology ~~fulfilling the requirements of Annex III that does not imply~~**that does not imply, when used to provide energy,** the release of the following greenhouse gases and air pollutants into the atmosphere by ships: carbon dioxide (CO_2), methane (CH_4), nitrous ~~oxides~~**oxide** (N_2O), sulphur ~~oxides~~**oxide** (SO_x), nitrogen ~~oxides~~**oxide** (NO_x) and particulate matter (PM);	
Article 3, first paragraph, point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Amendment 64		
76	(h) 'substitute sources of energy' means renewable wind or solar energy generated on-board or electricity supplied from on-shore power supply;	(h) 'substitute sources of energy' means renewable ~~wind or solar~~ energy generated on-board or electricity supplied from on-shore power supply;	(h) 'substitute sources of energy' means renewable wind or solar energy generated on-board or electricity supplied from on-shore power supply;	
		Amendment 65		
76a		**Article 3 – paragraph 1 – point h a (new)**		
76b		***(ha) 'wind propulsion' or 'wind-assisted propulsion' means a propulsion technique that contributes primarily or in an auxiliary manner to the propulsion of any type of vessel via the energy of the wind, which is harnessed when the ship is sailing;***		
Article 3, first paragraph, point (i)				
		Amendment 66		
77	(i) 'port of call' means a port of call as defined in Article 3, poin (b) of Regulation (EU) 2015/757;	(i) 'port of call' means ***the port where a ship stops to load or unload a substantial part of its cargo or to embark***	(i) 'port of call' means a port **where ships stop to load or unload cargo or to embark or disembark passengers,**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		or disembark passengers; ***and consequently, excludes stops for the sole purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities, and stops of container ships in a neighbouring container transshipment port;*** ~~a port of call as defined in Article 3, poin (b) of Regulation (EU) 2015/757;~~	**considering that stops for the sole purposes of refueling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship and/or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities, and stops of containerships in a neighbouring container transhipment port are excluded**~~of call as defined in Article 3, poin (b) of Regulation (EU) 2015/757~~;	
Article 3, first paragraph, point (j)				
78	(j) 'voyage' means voyage as defined in Article 3, point (c) of Regulation (EU) 2015/757;		(j) 'voyage' means voyage as defined in Article 3, point (c) of Regulation (EU) 2015/757;	
Article 3, first paragraph, point (ja)				
78a			**(ja) 'outermost region' means an oversea territory listed in Article**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			<u>349 TFEU;</u>	
Article 3, first paragraph, point (k)				
79	(k) 'company' means company as defined in Article 3, point (d) of Regulation (EU) 2015/757;		(k) 'company' means company as defined in Article 3, point (d) of Regulation (EU) 2015/757;	
Article 3, first paragraph, point (l)				
80	(l) 'gross tonnage' (GT) means GT as defined in Article 3, point (e) of Regulation (EU) 2015/757;		(l) 'gross tonnage' (GT) means GT as defined in Article 3, point (e) of Regulation (EU) 2015/757;	
Article 3, first paragraph, point (m)				
		Amendment 67		
81	(m) 'ship at berth' means ship at berth as defined in Article 3, point (n) of Regulation (EU) 2015/757;	(m) 'ship at berth' means ***a ship which is securely moored at the quayside in a port falling under the jurisdiction of a Member State while it is loading, unloading, embarking or disembarking passengers or hotelling, including the time spent when not engaged in cargo or passenger operations***; ~~ship at berth as defined in Article 3, point (n) of Regulation (EU)~~	(m) 'ship at berth' means ship at berth as defined in Article 3, point (n) of Regulation (EU) 2015/757;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		~~2015/757;~~		
Article 3, first paragraph, point (ma)				
81a			**(ma) 'ship at anchorage' means a ship at berth which is not moored at the quayside;**	
Article 3, first paragraph, point (n)				
		Amendment 68		
82	(n) 'energy use on-board' means the amount of energy, expressed in mega joules (MJ), used by a ship for propulsion and for the operation of any on-board equipment, at sea or at berth;	(n) 'energy use on-board' means the amount of energy, expressed in mega joules (MJ), used by a ship for propulsion and for the operation of any on-board equipment, at sea or at berth, ***excluding the additional energy used due to the technical characteristics of a ship in ice class IA or IA Super, or an equivalent ice class, and excluding the additional energy used by a ship in ice class IC, IB, IA or IA Super, or an equivalent ice class due to sailing in ice conditions;***	(n) 'energy use on-board' means the amount of energy, expressed in mega joules (MJ), used by a ship for propulsion and for the operation of any on-board equipment, at sea or at berth;	
Article 3, first paragraph, point (o)				
83				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	(o) 'greenhouse gas intensity of the energy used on-board' means the amount of greenhouse gas emissions, expressed in grams of CO_2 equivalent established on a well-to-wake basis, per MJ of energy used on-board;		(o) 'greenhouse gas intensity of the energy used on-board' means the amount of greenhouse gas emissions, expressed in grams of CO_2 equivalent established on a well-to-wake basis, per MJ of energy used on-board;	
Article 3, first paragraph, point (p)				
84	(p) 'well-to-wake' means a method for calculating emissions that takes into account the greenhouse gas impact of energy production, transport, distribution and use on-board, including during combustion;		(p) 'well-to-wake' means a method for calculating emissions that takes into account the greenhouse gas impact of energy production, transport, distribution and use on-board, including during combustion;	
Article 3, first paragraph, point (q)				
85	(q) 'emission factor' means the average emission rate of a greenhouse gas relative to the activity data of a source stream, assuming complete oxidation for combustion and complete conversion for all other chemical reactions;		(q) 'emission factor' means the average emission rate of a greenhouse gas relative to the activity data of a source stream, assuming complete oxidation for combustion and complete conversion for all other chemical reactions;	
		Amendment 69		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
85a		**Article 3 – paragraph 1 – point q a (new)**		
85b		***(qa) 'ice class' means the notation assigned to the ship by the competent national authorities of the flag state or an organisation recognised by that state, showing that the ship has been designed for navigation in sea-ice conditions;***		
		Amendment 70		
85c		**Article 3 – paragraph 1 – point q b (new)**		
85d		***(qb) 'sailing in ice conditions' means the sailing by an ice class ship in a sea area within the ice edge;***		
		Amendment 71		
85e		**Article 3 – paragraph 1 – point q c (new)**		
85f		***(qc) 'ice edge' means the demarcation at any given time between the open sea and sea ice of any kind, whether fast or drifting;***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 3, first paragraph, point (r)				
		Amendment 72		
86	(r) 'on-shore power supply' means the system to supply electricity to ships at berth, at low or high voltage, alternate or direct current, including ship side and shore side installations, when feeding directly the ship main distribution switchboard for powering hotel, service workloads or charging secondary batteries;	(r) 'on-shore power supply' means the system to supply electricity to ships at berth, at low or high voltage, alternate or direct current, including ship side and shore side ***fixed, floating and mobile*** installations, ~~when~~ feeding ~~directly~~ the ship main distribution switchboard for powering hotel, service workloads or charging secondary batteries;	(r) 'on-shore power supply' means the system to supply electricity to ships at berth, at low or high voltage, alternate or direct current, including ship side and shore side installations, when feeding directly the ship main distribution switchboard for powering hotel, service workloads or charging secondary batteries;	
Article 3, first paragraph, point (ra)				
86a			**(r2) 'electrical power demand at berth' means the demand in electricity from a ship at berth for powering all energy needs based on electricity on board;**	
Article 3, first paragraph, point (rb)				
86b			**(r3) 'established total electrical power demand of the ship at berth' means the highest value, expressed in kilowatts, of the total demand in electricity of the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			ship at berth, including hotel and cargo handling workloads;	
Article 3, first paragraph, point (s)				
87	(s) 'verifier' means a legal entity carrying out verification activities, which is accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008 and this Regulation;		(s) 'verifier' means a legal entity carrying out verification activities, which is accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008 and this Regulation;	
Article 3, first paragraph, point (t)				
88	(t) 'reporting period' means reporting period as defined in Article 3, point (m) of Regulation (EU) 2015/757;		*deleted*	
Article 3, first paragraph, point (u)				
89	(u) 'FuelEU certificate of compliance' means a certificate specific to a ship, issued to a company by a verifier, which confirms that that ship has complied with this Regulation for a specific reporting period;		(u) 'FuelEU ~~certificate~~**document** of compliance' means a ~~certificate~~**document** specific to a ship, issued to a company by a verifier, which confirms that that ship has complied with this Regulation for a specific reporting period;	
Article 3, first paragraph, point (v)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
90	(v) 'passenger ship' means a ship that carries more than 12 passengers, including cruise ships, high speed passenger crafts, and ships with facilities to enable road or rail vehicles to roll on and roll off the vessel;		(v) 'passenger ship' means a ship ~~that carries more than 12 passengers, including cruise ships, high speed passenger crafts, and ships with facilities to enable road or rail vehicles to roll on and roll off the vessel~~**as defined in Article 2, point (i) of Directive (EU) 2016/802**;	
Article 3, first paragraph, point (va)				
90a			**(v2) 'cruise passenger ship' means a passenger ship not having a cargo deck, designed exclusively for commercial transportation of passengers in overnight accommodation on a sea voyage;**	
Article 3, first paragraph, point (w)				
91	(w) 'containership' means a ship designed exclusively for the carriage of containers in holds and on deck;		(w) 'containership' means a ship designed exclusively for the carriage of containers in holds and on deck;	
Article 3, first paragraph, point (x)				
92	(x) 'non-compliant port call' means a		(x) 'non-compliant port call' means	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	port call of during which the ship does not comply with the requirement of Article 5(1), and none of the exceptions provided for in Article 5(3) apply;		a port call ~~of~~ during which the ship does not comply with the requirement of Article 5(1), and none of the exceptions provided for in Article 5(3) apply;	
Article 3, first paragraph, point (y)				
93	(y) 'least favourable pathway' means the most carbon-intensive production pathway used for any given fuel;		(y) 'least favourable pathway' means the most carbon-intensive production pathway used for any given fuel;	
Article 3, first paragraph, point (z)				
94	(z) 'CO_2 equivalent' means the metric measure used to compute the emissions from CO_2, CH_4 and N_2Oon the basis of their global-warming potential, by converting amounts of CH_4 and N_2O to the equivalent amount of carbon dioxide with the same global warming potential;		(z) 'CO_2 equivalent' means the metric measure used to compute the emissions from CO_2, CH_4 and N_2~~On~~**O on** the basis of their global-warming potential, by converting amounts of CH_4 and N_2O to the equivalent amount of carbon dioxide with the same global warming potential;	
Article 3, first paragraph, point (aa)				
95	(aa) 'compliance balance' means the measure of a ship's over- or under-compliance with regards to the limits to the yearly average greenhouse gas		(aa) 'compliance balance' means the measure of a ship's over- or under-compliance with regards to the limits to the yearly average	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	intensity of the energy used on-board by a ship, which is calculated in accordance with Annex V.		greenhouse gas intensity of the energy used on-board by a ship, which is calculated in accordance with Annex ~~V.~~ **III Part A;**	
Article 3, first paragraph, point (bb)				
96	(bb) 'compliance surplus' means a compliance balance with a positive value.		(bb) 'compliance surplus' means a compliance balance with a positive value~~.~~**;**	
Article 3, first paragraph, point (cc)				
97	(cc) 'compliance deficit' means a compliance balance with a negative value;		(cc) 'compliance deficit' means a compliance balance with a negative value;	
Article 3, first paragraph, point (dd)				
98	(dd) 'total pool compliance balance' means the sum of the compliance balances of all ships included in the pool.		(dd) 'total pool compliance balance' means the sum of the compliance balances of all ships included in the pool~~.~~**;**	
Article 3, first paragraph, point (ee)				
99	(ee) 'managing body of the port' means any public or private body as defined in Article 2(5) of Regulation (EU) 2017/352 of the European Parliament		(ee) 'managing body of the port' means any public or private body as defined in Article 2(5) of Regulation (EU) 2017/352 of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	and of the Council[1]. _____ 1. Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 3.3.2017, p. 1).		European Parliament and of the Council[1]~~.~~**;** _____ 1. **[1]** Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 3.3.2017, p. 1).	
Article 3, first paragraph, point (ff)				
99a			**(ff) 'administering State' means the administering Member State in respect of a shipping company as defined and determined respectively in Articles 3(w) and 3gd of Directive 2003/87/EC of the European Parliament and of the Council, without prejudice to the choice of the competent authorities in charge within the relevant Member State[1];** _____ **1. [1] This provision might be further aligned, pending the outcome of the negotiations on the revision of Directive 2003/87/EC.**	
Article 3, first paragraph, point (gg)				
99b			**(gg) 'reporting year' means a period of one year, starting 1**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			January and ending 31 December, in which the report referred to in Article 14 is to be submitted;	
Article 3, first paragraph, point (hh)				
99c			**(hh) 'reporting period' means a period from 1 January until 31 December of the year preceding the reporting year.**	
CHAPTER II				
100	CHAPTER II REQUIREMENTS ON ENERGY USED ON-BOARD BY SHIPS		CHAPTER II REQUIREMENTS ON ENERGY USED ON-BOARD BY SHIPS	
Article 4				
101	Article 4 Greenhouse gas intensity limit of energy used on-board by a ship		Article 4 Greenhouse gas intensity limit of energy used on-board by a ship	
Article 4(1)				
102	1. The yearly average greenhouse gas intensity of the energy used on-board by a ship during a reporting period shall not exceed the limit set out in paragraph		1. The yearly average greenhouse gas intensity of the energy used on-board by a ship during a reporting period shall not exceed the limit set	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	2.		out in paragraph 2.	
Article 4(2), first subparagraph, introductory part				
103	2. The limit referred to in paragraph 1 shall be calculated by reducing the reference value of [X grams of CO_2 equivalent per MJ]* by the following percentage:		2. The limit referred to in paragraph 1 shall be calculated by reducing the reference value of [X grams of CO_2 equivalent per MJ]* by the following percentage:	
Article 4(2), first subparagraph, first indent				
104	- -2% from 1 January 2025;		- **-** [1]2% from 1 January 2025; _____ **1. [1] Please note that all symbols "minus" have been deleted.**	
Article 4(2), first subparagraph, second indent				
105	- -6% from 1 January 2030;		- **-** 6% from 1 January 2030;	
Article 4(2), first subparagraph, third indent				
		Amendment 73		
106	- -13% from 1 January 2035;	— ***-20%*** ~~-13%~~ from 1 January 2035;	- **-** 13% from 1 January 2035;	
Article 4(2), first subparagraph, fourth indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Amendment 74		
107	- -26% from 1 January 2040;	— ***-38%*** ~~-26%~~ from 1 January 2040;	- - 26% from 1 January 2040;	
Article 4(2), first subparagraph, fifth indent				
		Amendment 75		
108	- -59% from 1 January 2045;	— ***-64%*** ~~-59%~~ from 1 January 2045;	- - 59% from 1 January 2045;	
Article 4(2), first subparagraph, sixth indent				
		Amendment 76		
109	- -75% from 1 January 2050.	— ***-80%*** ~~-75%~~ from 1 January 2050.	- - 75% from 1 January 2050.	
Article 4(2), second subparagraph				
		Amendment 77		
110	[Asterix: The reference value, which calculation will be carried out at a later stage of the legislative procedure, corresponds to the fleet average greenhouse gas intensity of the energy used on-board by ships in 2020 determined on the basis data monitored and reported in the framework of Regulation (EU) 2015/757 and using the methodology and default values laid	[Asterix: The reference value, ~~which~~ ***the*** calculation ***of which*** will be carried out at a later stage of the legislative procedure, corresponds to the ***Union*** fleet average greenhouse gas intensity of the energy used on-board by ships in 2020 determined on the basis data monitored and	***[Asterix: The reference value, which calculation will be carried out at a later stage of the legislative procedure, corresponds to the fleet average greenhouse gas intensity of the energy used on-board by ships in 2020 determined on the basis data monitored and reported in the framework of Regulation (EU)***	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	down in Annex I to that Regulation.]	reported in the framework of Regulation (EU) 2015/757 and using the methodology and default values laid down in Annex I to that Regulation.]	***2015/757 and using the methodology and default values laid down in Annexes I and II to this Regulation.]*** [~~Asterix: The reference value, which calculation will be carried out at a later stage of the legislative procedure, corresponds to the fleet average greenhouse gas intensity of the energy used on-board by ships in 2020 determined on the basis data monitored and reported in the framework of Regulation (EU) 2015/757 and using the methodology and default values laid down in Annex I to that Regulation.~~]	
Article 4(3)				
		Amendment 78		
111	3. The greenhouse gas intensity of the energy used on-board by a ship shall be calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology specified in Annex I.	3. The greenhouse gas intensity of the energy used on-board by a ship shall be calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology specified in Annex I. ***For ships in ice classes, a correction factor shall be applied, resulting in the deduction of the higher***	3. The greenhouse gas intensity of the energy used on-board by a ship shall be calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology specified in Annex I.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		fuel consumption linked to ice navigation.		
		Amendment 79		
111a		**Article 4 – paragraph 3 a (new)**		
111b		***3a. The default values set out in Annex II to this Regulation shall serve as the basis for the calculation of emission factors. Where actual values exist verified by means of certification or direct emissions measurements, those actual values may be used instead.***		
Article 4(4)				
		Amendment 80		
112	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex II in order to include the well-to-wake emission factors related to any new sources of energy or to adapt the existing emission factors to ensure consistency with future international standards or the legislation of the Union in the field of energy.	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex II in order to include the well-to-wake emission factors related to any new sources of energy, to adapt the existing emission factors to ensure consistency with future international standards or the legislation of	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex II in order to include the well-to-wake emission factors related to any new sources of energy or to adapt the existing emission factors to ensure consistency with future international standards or the legislation of the Union in the field	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		the Union in the field of energy ***and to ensure that they are as representative of real emissions throughout all stages of the fuel lifecycle as possible, in accordance with the best available scientific and technical knowledge***.	of energy.	
		Amendment 81		
112a		**Article 4 – paragraph 4 a (new)**		
112b		***4a. Consultations shall be organised between managing bodies of ports, terminal operators, ship-owners, ship-operators, fuel suppliers and other relevant stakeholders, to ensure cooperation with regard to the alternative fuel supply that is planned and deployed in individual ports, as well as with regard to the demand expected from vessels calling on those ports.***		
		Amendment 82		
112c		**Article 4 a (new)**		
112d		***Use of Renewable Fuels of Non-Biological Origin***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
112e		***1. Member States shall take the necessary measures, if necessary drawing on the credit exchange mechanism established in Directive XXXX [Renewable Energy Directive], to ensure that renewable fuels of non-biological origin (RFNBOs) are made available in ports within their territory.***		
112f		***2. From 1 January 2025 to 31 December 2034, a multiplier of "2" shall be used in the denominator of Equation (1) of Annex I for the calculation of the greenhouse gas intensity of the energy used on-board, in order to reward companies for the use of RFNBO fuels.***		
112g		***3. From 1 January 2030, at least 2% of the yearly average energy used on-board a ship shall be met with RFNBOs compliant with paragraph 1(b) of Article 9.***		
112h		***4. Until 31 December 2034 paragraph 3 shall not apply to companies, and their subsidiaries, operating three***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		or fewer ships falling within the scope laid down in Article 2(1).		
112i		***5. By 2028 at the latest, the Commission shall assess the obligation laid down in paragraph 3 with a view to adjust it if:***		
112l		***– there are serious concerns about production capacity, availability or price of RFNBOs, or;***		
112m		***– there is a substantial cost reduction and a geographically comprehensive availability of RFNBOs and a need to increase the level of sub-quota to meet Union climate targets.***		
112n		***6. The Commission is empowered to adopt delegated acts in accordance with Article 26 to set the criteria for this assessment, and to adjust the obligations in Article 4a(3) and Annex V if deemed necessary by the assessment carried out in accordance with paragraph 5.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 5				
113	Article 5 Additional zero-emission requirements of energy used at berth		Article 5 Additional zero-emission requirements of energy used at berth	
Article 5(1)				
		Amendment 83		
114	1. From 1 January 2030, a ship at berth in a port of call under the jurisdiction of a Member State shall connect to on-shore power supply and use it for all energy needs while at berth.	1. From 1 January 2030, a ship at berth in a port of call ~~under the jurisdiction of a Member State~~ ***covered by Article 9 of Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation)*** shall connect to on-shore power supply and use it for all ***its electricity*** ~~energy~~ needs while at berth. ***In the event that a non-TEN-T port has voluntarily installed OPS, ships calling at that port and having compatible OPS equipment on-board shall connect to OPS when available at the visited berth.***	1. From 1 January 2030, a ship **moored at the quayside**~~at berth~~ in a port of call under the jurisdiction of a Member State shall connect to on-shore power supply and use it for ~~all energy needs while~~**its electrical power demand** at berth.	
Article 5(2), introductory part				
115	2. Paragraph 1 shall apply to:		2. Paragraph 1 shall apply to:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 5(2), point (a)				
116	(a) containerships;		(a) containerships;	
Article 5(2), point (b)				
117	(b) passenger ships.		(b) passenger ships.	
Article 5(3), introductory part				
118	3. Paragraph 1 shall not apply to ships:		3. Paragraph 1 shall not apply to ships:	
Article 5(3), point (a)				
119	(a) that are at berth for less than two hours, calculated on the basis of hour of departure and arrival monitored in accordance with Article 14;		(a) that are **moored at the quayside**~~at berth~~ for less than two hours, calculated on the basis of hour of departure and arrival monitored **and recorded** in accordance with Article 14;	
Article 5(3), point (b)				
		Amendment 84		
120	(b) that use zero-emission technologies, as specified in Annex III;	(b) that use zero-emission technologies, as specified in	(b) that use zero-emission technologies **for their electrical**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Annex III ***provided that they continuously achieve emissions that are equivalent to the emissions reductions that would be achieved by using on-shore power supply***;	**power demand at berth, while moored at the quayside**~~, as specified in Annex III~~;	
Article 5(3), point (c)				
121	(c) that have to make an unscheduled port call for reasons of safety or saving life at sea;		(c) that have to make an unscheduled **and not systematic** port call for reasons of safety or saving life at sea**, due to unforeseen circumstances beyond the control of the ship**;	
Article 5(3), point (d)				
		Amendment 85		
122	(d) that are unable to connect to on-shore power supply due to unavailable connection points in a port;	(d) that are unable to connect to on-shore power supply due to unavailable connection points in a port, ***including due to a (temporary) lack of grid capacity, including during (seasonal) peak power demands by vessels at berth;***	(d) that are unable to connect to on-shore power supply due to unavailable connection points in a port;	
Article 5(3), point (da)				
122a			**(da) that are unable to connect to on-shore power supply because**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			<u>exceptionally the electrical grid stability is at risk, due to insufficient available shore-power to satisfy the ship's required electrical power demand at berth;</u>	
Article 5(3), point (e)				
		Amendment 86		
123	(e) that are unable to connect to on-shore power supply because the shore installation at the port is not compatible with the on-board on-shore power equipment;	(e) that are unable to connect to on-shore power supply because the shore installation at the port is not compatible with the on-board on-shore power equipment ***provided that the installation for shore-connection on-board the ship is certified in accordance with the standards specified in Annex II of Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation) for seagoing ships' shore connection systems***;	(e) that are unable to connect to on-shore power supply because the shore installation at the port is not compatible with the on-board on-shore power equipment**<u>, provided that the installation for shore-connection on-board the ship is certified in accordance with the standards specified in Annex II of AFIR[1] for seagoing ships shore connection systems</u>**; _____ **1. [1] Correct title to be added later.**	
Article 5(3), point (f)				
124	(f) which, for a limited period of time, require the use of on-board energy generation, under emergency situations		(f) which, for a limited period of time, require the use of on-board energy generation, under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	representing immediate risk to life, the ship, the environment or for other reasons of force majeure.		emergency situations representing immediate risk to life, the ship, the environment or for other reasons of force majeure.**;**	
Article 5(3), point (fa)				
124a			**(g) which, while remaining connected, for a period of time limited to the strict necessary, require the use of on-board energy generation for maintenance tests, or for functional tests carried out upon request of an officer from a competent authority or the representative of a recognised organization undertaking a survey or inspection.**	
		Amendment 87		
124b		**Article 5 – paragraph 3 a (new)**		
124c		***3a. Ship operators shall inform in advance the ports that they call at about their intentions to connect to on-shore power supply or their intention to use a zero-emission technology as***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		defined in Annex III of this Regulation. Ship operators shall also indicate, where applicable, the amount of power they expect to require during that call and inform about the available power equipment on-board.		
Article 5(4)				
		Amendment 88		
125	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex III in order to insert references to new technologies in the list of applicable zero-emission technologies or criteria for their use, where these new technologies are found equivalent to the technologies listed in that Annex in the light of scientific and technical progress.	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex III in order to insert references to new technologies in the list of applicable zero-emission technologies or ***modify the*** criteria for their use, where these new technologies ***or criteria for use*** are found ***to be*** equivalent to ***or better than*** the technologies listed in that Annex in the light of scientific and technical progress.	4. The Commission is empowered to adopt ~~delegated~~**implementing** acts in accordance with Article ~~26 to amend Annex III in order to insert references to new~~**27(3) in order to establish the list and acceptance criteria of the** technologies ~~in the list of applicable~~**and the way they are operated to be considered as** zero-emission technologies ~~or criteria for their use, where these new technologies are found equivalent to the technologies listed in that Annex~~**within the meaning of Article 3(g), for the uniform implementation of this Regulation. The Commission shall regularly update the list and acceptance criteria** in the light of **the** scientific and technical	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			progress **to assess if new technologies can be considered as zero-emission technologies within the meaning of this Regulation**.	
Article 5(5)				
		Amendment 89		
126	5. The managing body of the port of call shall determine whether the exceptions set in paragraph 3 apply and issue or refuse to issue the certificate in accordance with the requirements set out in Annex IV.	5. The managing body of the port of call***, or where applicable the operator of the terminal or the competent authority,*** shall determine whether the exceptions set in paragraph 3 apply and issue or refuse to issue the certificate in accordance with the requirements set out in Annex IV.	5. **A ship that intends to use zero-emission technologies as a substitute to on-shore power supply, in application of paragraph 3(b), shall inform the competent authority of the Member State**~~The managing body~~ of the port of call ~~shall determine whether the exceptions set in paragraph 3 apply and issue or refuse to issue the certificate~~**or any entity duly authorized prior to entry into ports.** **The Commission shall, by means of implementing acts, lay down the details and timing of the information to be provided.** **Those implementing acts shall be adopted** in accordance with the ~~requirements set out in Annex IV~~**examination procedure referred to in Article 27(3)**.	
Article 5(5a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
126a			**5bis The competent authority of the Member State of the port of call or any entity duly authorized, after consultation of the managing body of the port where appropriate, shall record in the FuelEU database, without delay, the following information:**	
Article 5(5b)				
126b			**(a) the application of any exception set in paragraph 3 points (a), (b), (c), (d), or (e);**	
Article 5(5c)				
126c			**(b) the non application by a ship of the requirement of paragraph 1 without being eligible to any exception set in paragraph 3.**	
Article 5(6)				
		Amendment 90		
127	6. From 1 January 2035, the exceptions listed in paragraph 3, points (d) and (e), may not be applied to a given ship, in total, more than five times during one	***deleted***	6. From 1 January ~~2035~~**2030, in ports mentioned in Article 9 of AFIR[1] equipped to provide the required shore-side electricity to**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	reporting year. A port call shall not be counted for the purpose of compliance with this provision where the company demonstrates that it could not have reasonably known that the ship will be unable to connect for reasons referred to in paragraph 3, points (d) and (e).		**supply a given ship type**, the exceptions ~~listed~~**provided for** in paragraph 3, points (d) and (e), ~~may~~**shall** not be applied to a **ship of that** given ~~ship~~**type**, in total, more than five times**,** during one reporting ~~year~~**period**. A port call shall not be counted for the purpose of compliance with this provision where the company demonstrates that it could not have reasonably known that the ship will be unable to connect for ~~reasons~~**the reason** referred to in paragraph 3, points (d) and (e). _____ **1. [1] Correct title to be added later.**	
Article 5(7)				
128	7. Emergency situations resulting in the need to use on-board generators, referred to in paragraph 3, point (f), shall be documented and reported by the ship to the managing body of the port.		7. ~~Emergency situations resulting in the need to use on-board generators, referred to in paragraph 3, point (f),~~**A Member State may decide that, in a port or some parts of a port located in its jurisdiction, containerships or passenger ships at anchorage are covered by the same obligations made to ships moored at the quayside in this Regulation. The Member State shall notify its**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			decision to the Commission a year prior to its application, which must start at the beginning of a reporting period. The Commission shall ~~be documented and reported by the ship to the managing body~~**publish the information in the *Official Journal of the European Union* and provide an updated list** of the ~~port~~**concerned ports which shall be easily accessible**.	
		Amendment 91		
128a		**Article 5 – paragraph 7 a (new)**		
128b		***7a. Consultations shall be organised between managing bodies of ports, terminal operators, ship-owners, ship-operators, OPS providers, grid managers and other relevant stakeholders to ensure cooperation on the OPS infrastructure that is planned and deployed in individual ports, as well as on the demand expected from vessels calling on these ports.***		
CHAPTER III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
129	CHAPTER III COMMON PRINCIPLES AND CERTIFICATION		CHAPTER III COMMON PRINCIPLES AND CERTIFICATION	
Article 6				
130	Article 6 Common principles for monitoring and reporting		Article 6 Common principles for monitoring and reporting	
Article 6(1)				
131	1. In accordance with Articles 7 to 9, companies shall, for each of their ships, monitor and report on the relevant data during a reporting period. They shall carry out that monitoring and reporting within all ports under the jurisdiction of a Member State and for any voyages to or from a port under the jurisdiction of a Member State.		1. In accordance with Articles 7 to 9, companies shall, for each of their ships, monitor and report on the relevant data during a reporting period. They shall carry out that monitoring and reporting within all ports under the jurisdiction of a Member State and for any voyages ~~to or from a port under the jurisdiction of a Member State~~**mentioned in Article 2(1)**.	
Article 6(2)				
132	2. Monitoring and reporting shall be complete and cover the energy used on-board by ships, while the ships are at sea as well as at berth. Companies shall		2. Monitoring and reporting shall be complete and cover the energy used on-board by ships **at any time**, while the ships are at sea as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	apply appropriate measures to prevent any data gaps within the reporting period.		well as at berth. Companies shall apply appropriate measures to prevent any data gaps within the reporting period.	
Article 6(3)				
133	3. Monitoring and reporting shall be consistent and comparable over time. To that end, companies shall use the same monitoring methodologies and data sets subject to modifications assessed by the verifier. Companies shall enable reasonable assurance of the integrity of the data to be monitored and reported.		3. Monitoring and reporting shall be consistent and comparable over time. To that end, companies shall use the same monitoring methodologies and data sets subject to modifications assessed by the verifier. Companies shall enable reasonable assurance of the integrity of the data to be monitored and reported.	
Article 6(4)				
		Amendment 92		
134	4. Companies shall obtain, record, compile, analyse and document monitoring data, including assumptions, references, emission factors and activity data, in a transparent and accurate manner, so that the verifier can determine the greenhouse gas intensity of the energy used on-board by ships.	4. Companies shall obtain, record, compile, analyse and document monitoring data, including assumptions, references, emission factors and activity data, ***and any other information required to comply with this Regulation,*** in a transparent and accurate manner, so that the verifier	4. Companies shall obtain, ~~record, compile,~~ analyse and ~~document~~**store** **for at least five years all** monitoring data **and documentation**, including assumptions, references, emission factors**, Bunker Delivery Notes as complemented pursuant to Annex I** and activity data, in a transparent and accurate manner, **in**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		can determine the greenhouse gas intensity of the energy used on-board by ships.	**paper or electronic form,** so that the verifier can– determine the greenhouse gas intensity of the energy used on-board by ships.	
Article 6(5)				
135	5. In undertaking the monitoring and reporting activities set out in Articles 7 to 9 and 14 of this Regulation, information and data collected for the purpose of Regulation (EU) 2015/757 shall be used where appropriate.		5. In undertaking the monitoring and reporting activities set out in Articles 7 to 9 and 14 of this Regulation, information and data collected for the purpose of Regulation (EU) 2015/757 shall be used where appropriate.	
Article 7				
136	Article 7 Monitoring plan		Article 7 Monitoring plan	
Article 7(1)				
137	1. By 31 August 2024, companies shall submit to the verifiers a monitoring plan for each of their ships indicating the method chosen from among those set out in Annex I to monitor and report the amount, type and emission factor of energy used on-board by ships and other relevant information.		1. By 31 August 2024, companies shall submit to the verifiers a monitoring plan for each of their ships indicating the method chosen from among those set out in Annex I to monitor and report the amount, type and emission factor of energy used on-board by ships and other relevant information.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 7(2)				
138	2. For ships falling under the scope of this Regulation for the first time after 31 August 2024, companies shall submit a monitoring plan to the verifier without undue delay and no later than two months after each ship's first call in a port under the jurisdiction of a Member State.		2. For ships falling under the scope of this Regulation for the first time after 31 August 2024, companies shall submit a monitoring plan to the verifier without undue delay and no later than two months after each ship's first call in a port under the jurisdiction of a Member State.	
Article 7(3), introductory part				
139	3. The monitoring plan shall consist of a complete and transparent documentation and shall contain at least the following elements:		3. The monitoring plan shall consist of a complete and transparent documentation and shall contain at least the following elements:	
Article 7(3), point (a)				
140	(a) the identification and type of the ship, including its name, its IMO identification number, its port of registry or home port, and the name of the ship-owner;		(a) the identification and type of the ship, including its name, its IMO identification number, its port of registry or home port, and the name of the ship-owner;	
Article 7(3), point (b)				
141				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	(b) the name of the company and the address, telephone and e-mail details of a contact person;		(b) the name of the company and the address, telephone and e-mail details of a contact person;	
Article 7(3), point (c)				
142	(c) a description of the energy conversion systems installed on-board, and the related power capacity expressed in megawatt (MW);		(c) a description of the energy conversion systems installed on-board, and the related power capacity expressed in megawatt (MW);	
Article 7(3), point (d)				
143	(d) a description that the ship has installed and certified equipment to allow connection to onshore power supply, at a specified voltage and frequency, including the gear specified in IEC/IEEE 80005-1 (High Voltage) and IEC/IEEE 80005-3 (Low Voltage) or is equipped with substitute sources of energy or a zero-emission technology as specified in Annex III;		(d) a description ~~that the ship has installed and certified equipment to allow connection to onshore power supply, at a specified voltage and frequency, including the gear specified in IEC/IEEE 80005-1 (High Voltage) and IEC/IEEE 80005-3 (Low Voltage) or is equipped with substitute sources of energy~~**, for ships within the scope of Article 5, of the standards and characteristics of the equipment to allow connection to on-shore power supply,** or a zero-emission technology ~~as specified in Annex III~~;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 7(3), point (da)				
143a			**(da) the value of the established total electrical power demand of the ship at berth, as provided in its Electrical load balance or Electrical load study used to demonstrate compliance with Regulations 40 and 41 of Chapter II-1 of the SOLAS Convention, as approved by its flag Administration or a recognised organisation as defined in the IMO Code for Recognized Organizations adopted by Resolution MEPC237(65). In case the ship is not able to provide this reference, the value considered is 25% of the total of the maximum continuous ratings of the main engines of the ship as specified in their EIAPP certificate delivered in application of the MARPOL Convention or, if the engines are not required to have an EIAPP certificate, on the nameplate of the engines;**	
Article 7(3), point (e)				
		Amendment 93		
144				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	(e) a description of the intended source(s) of energy to be used on-board while in navigation and at berth to comply with the requirements set out in Articles 4 and 5;	(e) a description of the intended source(s) of energy to be used on-board while in navigation and at berth to comply with the requirements set out in Articles 4 and 5, ***as well as in Annexes I and III, respectively;***	(e) a description of the intended source(s) of energy to be used on-board while in navigation and at berth to comply with the requirements set out in Articles 4 and 5;	
Article 7(3), point (f)				
145	(f) a description of the procedures for monitoring the fuel consumption of the ship as well as the energy provided by substitute sources of energy or a zero-emission technology as specified in Annex III;		(f) a description of the procedures for monitoring the fuel consumption of the ship as well as the energy provided by substitute sources of energy or a zero-emission technology ~~as specified in Annex III~~;	
Article 7(3), point (g)				
146	(g) well-to-wake emission factors referred to in Annex II;		(g) ~~well-to-wake~~ **a description of the procedures for monitoring and reporting the well-to-tank and tank-to-wake** emission factors ~~referred to in Annex~~**of energy to be used on-board, in accordance with the methods specified in Article 9 and Annexes I and** II;	
Article 7(3), point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
147	(h) a description of the procedures used to monitor the completeness of the list of voyages;		(h) a description of the procedures used to monitor the completeness of the list of voyages;	
Article 7(3), point (i)				
148	(i) a description of the procedures used for determining activity data per voyage, including the procedures, responsibilities, formulae and data sources for determining and recording the time spent at sea between the port of departure and the port of arrival and the time spent at berth;		(i) a description of the procedures used for determining activity data per voyage, including the procedures, responsibilities, formulae and data sources for determining and recording the time spent at sea between the port of departure and the port of arrival and the time spent at berth;	
Article 7(3), point (j)				
149	(j) a description of the procedures, systems and responsibilities used to update any of the data contained in the monitoring plan over the reporting period;		(j) a description of the procedures, systems and responsibilities used to update any of the data contained in the monitoring plan over the reporting period;	
Article 7(3), point (k)				
		Amendment 94		
150	(k) a description of the method to be used to determine surrogate data for	(k) a description of the method to be used to determine	(k) a description of the method to be used to determine surrogate data	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	closing data gaps;	surrogate data for closing data gaps ***or for identifying and correcting data errors;***	for closing data gaps;	
Article 7(3), point (l)				
151	(l) a revision record sheet to record all the details of the revision history.		(l) a revision record sheet to record all the details of the revision history~~.~~**;**	
Article 7(3), point (la)				
151a			**(m) information on the ice class of the ship, if the company requests to exclude the additional energy due to the ship's ice class from the scope of the energy used on-board;**	
Article 7(3), point (lb)				
151b			**(n) a description of a verifiable procedure for monitoring the distance travelled for the whole voyage and when sailing in ice conditions, the date, time and fuel consumption when sailing in ice conditions, if the company requests to exclude the additional energy due to sailing in ice conditions from the scope of the energy used on-board..**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
151bb				
		Amendment 95		
151c		**Article 7 – paragraph 3 a (new)**		
151d		***3a. If the additional energy required due to the ship's ice class is to be excluded from the calculation of the energy used on-board, the monitoring plan shall also include:***		
151e		***(a) information on the ice class of the ship;***		
151f		***(b a description of the procedure for monitoring the distance travelled for the whole voyage; and***		
151g		***(c) when sailing in ice conditions, the date and time when sailing in ice conditions, the fuel consumption and the energy provided by substitute sources of energy, or a zero emission technology as specified in Annex III when sailing in ice conditions.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 7(4)				
152	4. Companies shall use standardised monitoring plans based on templates. The Commission shall, by means of implementing acts, determine those templates, including the technical rules for their uniform application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).		4. Companies shall use standardised monitoring plans based on templates. The Commission shall, by means of implementing acts, determine those templates, including the technical rules for their uniform application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).	
Article 8				
153	Article 8 Modifications to the monitoring plan		Article 8 Modifications to the monitoring plan	
Article 8(1)				
		Amendment 96		
154	1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether any of the data it contains can be improved.	1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether any of the data it contains can be improved***, corrected or***	1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether any of the data it contains can be improved.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		updated.		
Article 8(2), introductory part				
		Amendment 97		
155	2. Companies shall modify the monitoring plan in any of the following situations:	2. Companies shall modify the monitoring plan ***without undue delay*** in any of the following situations:	2. Companies shall modify the monitoring plan in any of the following situations:	
Article 8(2), point (a)				
156	(a) where a change of company occurs;		(a) where a change of company occurs;	
Article 8(2), point (b)				
157	(b) where new energy conversion systems, new types of energy, including substitute sources of energy or a zero-emission technology as specified in Annex III are in use;		(b) where new energy conversion systems, new types of energy, ~~including~~**new systems for connection to on-shore power supply, or new** substitute sources of energy or a zero-emission technology ~~as specified in Annex III~~ are in use;	
Article 8(2), point (c)				
158	(c) where a change in availability of data, due to the use of new types of measuring equipment, new sampling		(c) where a change in availability of data, due to the use of new types of measuring equipment, new	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	methods or analysis methods, or for other reasons, may affect the accuracy of the data collected;		sampling methods or analysis methods, or for other reasons, may affect the accuracy of the data collected;	
Article 8(2), point (d)				
159	(d) data resulting from the monitoring method applied has been found to be incorrect;		(d) **where** data resulting from the monitoring method applied has been found to be incorrect;	
Article 8(2), point (e)				
160	(e) where any part of the monitoring plan is identified as not being in conformity with the requirements of this Regulation and the company is required by the verifier to revise it.		(e) where any part of the monitoring plan is identified as not being in conformity with the requirements of this Regulation and the company is required by the verifier to revise it.	
		Amendment 98		
161a		**Article 8 – paragraph 2 – point e a (new)**		
161b		***(ea) where methods to prevent data gaps and identify data errors have been found to be inadequate to ensure data solidity and transparency.***		
Article 8(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
161	3. Companies shall notify to the verifiers without undue delay any proposals for modification of the monitoring plan.		3. Companies shall notify to the verifiers without undue delay any proposals for modification of the monitoring plan.	
Article 8(4)				
162	4. Modifications of the monitoring plan referred to in paragraph 2, points (b), (c) and (d) of this Article shall be subject to assessment by the verifier. Following the assessment, the verifier shall notify the company concerned whether those modifications are in conformity with Article 6.		*deleted*	
Article 9				
163	Article 9 Certification of biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels		Article 9 Certification of ~~biofuels, biogas, renewable liquid and gaseous transport~~ fuels ~~of non-biological origin and recycled carbon fuels~~**and emission factors**	
Article 9(1), introductory part				
164	1. Where biofuels, biogas, renewable fuels of non-biological origin and		1. Where biofuels, biogas, renewable fuels of non-biological	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	recycled carbon fuels, as defined in Directive (EU) 2018/2001, are to be taken into account for the purposes referred to in Articles 4(1) of this Regulation, the following rules apply:		origin and recycled carbon fuels, as defined in Directive (EU) 2018/2001, are to be taken into account for the purposes referred to in Articles 4(1) of this Regulation, the following rules apply:	
Article 9(1), point (a)				
165	(a) greenhouse gas emission factors of biofuels and biogas that comply with the sustainability and greenhouse gas saving criteria set out in Article 29 of Directive (EU) 2018/2001 shall be determined according to the methodologies set out in that Directive;		(a) ~~greenhouse gas emission factors of~~ biofuels and biogas that **do not** comply with the sustainability and greenhouse gas saving criteria set out in Article 29 of Directive (EU) 2018/2001 **or that are produced from food and feed crops** shall be ~~determined according to the methodologies set out in that Directive~~**considered to have the same emission factors as the least favourable fossil fuel pathway for this type of fuel**;	
Article 9(1), point (b)				
166	(b) greenhouse gas emissions factors of renewable fuels of non-biological origin and recycled carbon fuel that comply with the greenhouse gas emission savings thresholds set out in Article 27(3) of Directive (EU) 2018/2001 shall be determined according to the		(b) ~~greenhouse gas emissions factors of~~ renewable fuels of non-biological origin and recycled carbon ~~fuel that~~ **fuels that do not** comply with the greenhouse gas emission savings thresholds set out in Article ~~27(3)~~**25(2)** of Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	methodologies set out in that Directive;		(EU) 2018/2001- shall be ~~determined according to the methodologies set out in that Directive;~~**considered to have the same emission factors as the least favourable fossil fuel pathway for this type of fuels.**	
Article 9(1), point (c)				
167	(c) biofuels and biogas that do not comply with point (a) or that are produced from food and feed crops shall be considered to have the same emission factors as the least favourable fossil fuel pathway for this type of fuel;		*deleted*	
Article 9(1), point (d)				
168	(d) renewable fuels of non-biological origin and recycled carbon fuels that do not comply with point (b) shall be considered to have the same emission factors as the least favourable fossil fuel pathway for this type of fuels.		*deleted*	
Article 9(2)				
		Amendment 99		
169	*2.* Companies shall provide accurate	2. Companies shall provide	2. **On the basis of the Bunker**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	and reliable data on the GHG emission intensity and the sustainability characteristics of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel, verified by a scheme that is recognised by the Commission in accordance with Article 30(5) and (6) of the Directive (EU) 2018/2001.	accurate***, complete*** and reliable data on the GHG emission intensity and the sustainability characteristics of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel, verified by a scheme that is recognised by the Commission in accordance with Article 30(5) and (6) of the Directive (EU) 2018/2001.	**Delivery Notes as complemented pursuant to Annex I,** companies shall provide accurate and reliable data on the GHG emission intensity and the sustainability characteristics of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuel, ~~verified by~~**as certified under** a scheme that is recognised by the Commission in accordance with Article 30(5) and (6) of the Directive (EU) 2018/2001.	
Article 9(3)				
		Amendment 100		
170	3. Companies shall be entitled to divert from the established default values for the tank-to-wake emission factors provided that actual values are certified by means of laboratory testing or direct emissions measurements. The Commission is empowered to adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing the rules on conducting the laboratory testing and direct emissions measurements.	3. Companies shall be entitled to ***diverge*** ~~divert~~ from the established default values for the tank-to-wake emission factors provided that actual values are certified by means of ~~laboratory testing or~~ direct emissions measurements ***in accordance with existing certification and verification schemes laid down in the Directive (EU) 2018/2001 and Directive (EU) XXXX/XXXX (Gas Directive)***. The Commission is empowered to	3. **Companies shall not divert from the default values for the well-to-tank emission factors reported in Annex II for fossil fuels.** Companies shall be entitled to divert from the ~~established~~ default values for the ~~tank-to-wake~~**well-to-tank** emission factors **reported in Annex II** provided that actual values are certified ~~by means of laboratory testing or direct emissions measurements.~~**, under a scheme that is recognised by** the Commission ~~is empowered to adopt delegated acts~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing the rules on conducting the ~~laboratory testing and~~ direct emissions measurements	in accordance with Article ~~26, in order to supplement this Regulation by establishing the rules on conducting the laboratory testing and direct emissions measurements~~**30(5) and (6) of the Directive (EU) 2018/2001 for biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels**.	
Article 9(3a)				
170a			**4. Companies shall be entitled to divert from the default values for the tank-to-wake emission factors defined in Annex II, with the exception of tank-to-wake CO2 emission factors for fossil fuels, provided that actual values are certified by means of laboratory testing or direct emissions measurements.**	
		Amendment 101		
170b		**Article 9 a (new)**		
170c		***Article 9a*** ***Certification of other fuels***		
170d		***1. Companies shall be***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		entitled to diverge from the established default values for the well-to-tank emission factors of all other fuels provided that actual values are established by means of certification or direct emissions measurements.		
170e		***2. Companies shall be entitled to diverge from the established default values for the tank-to-wake emission factors of all other fuels provided that actual values are certified by means of direct emissions measurements.***		
170f		***3. The Commission is empowered to adopt delegated acts in accordance with Article 26, to supplement this Regulation by laying down rules on certifying real well-to-tank emissions and rules on conducting the direct emissions measurements.***		
CHAPTER IV				
171	CHAPTER IV VERIFICATION AND ACCREDITATION		CHAPTER IV VERIFICATION AND ACCREDITATION	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 10				
172	Article 10 Verification activities		Article 10 ~~Verification activities~~**Assessment of the monitoring plan**	
Article 10(1)				
		Amendment 102		
173	1. The verifier shall assess the conformity of the monitoring plan with the requirements laid down in Articles 6 to 9. Where the verifier's assessment identifies non-conformities with those requirements, the company concerned shall revise its monitoring plan accordingly and submit the revised plan for a final assessment by the verifier before the reporting period starts. The company concerned shall agree with the verifier on the timeframe necessary to introduce those revisions. That timeframe shall in any event not extend beyond the beginning of the reporting period.	1. The verifier shall assess the conformity of the monitoring plan with the requirements laid down in Articles 6 to 9. Where the verifier's assessment identifies non-conformities with those requirements, the company concerned shall ***without undue delay*** revise its monitoring plan accordingly and submit the revised plan for a final assessment by the verifier before the reporting period starts. The company concerned shall agree with the verifier on the timeframe necessary to introduce those revisions. That timeframe shall in any event not extend beyond the beginning of the	1. **For each ship and in the case of change of verifier,** the verifier shall assess the conformity of the monitoring plan with the requirements laid down in Articles 6 to ~~9~~**8**. Where the verifier's assessment identifies non-conformities with those requirements, the company concerned shall revise its monitoring plan accordingly and submit the revised plan for a final assessment by the verifier before the reporting period starts. The company concerned shall agree with the verifier on the timeframe necessary to introduce those revisions. That timeframe shall in any event not extend beyond the beginning of the reporting period.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		reporting period.		
Article 10(1a)				
173a			**1bis. Modifications of the monitoring plan under points (b), (c) and (d) of Article 8(2) shall be subject to an assessment by the verifier. Following the assessment, the verifier shall notify the company concerned whether those modifications are in conformity with the requirements laid down in Articles 6 to 8.**	
Article 10(1b)				
173b			**1ter. The verifier shall record the monitoring plan and the modified monitoring plan, once satisfactorily assessed, in the FuelEU database. The monitoring plan and the modified monitoring plan shall be accessible to the administering State.**	
Article 10(2)				
174	2. The verifier shall assess the conformity of the information reported		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	with the requirements laid down in Articles 6 to 9 and Annexes I, II and III before performing the operations set out in Article 15(2).			
Article 10(3)				
		Amendment 103		
175	*3.* Where the verification assessment identifies incorrect statements or non-conformities with this Regulation, the verifier shall inform the company concerned thereof in a timely manner. That company shall then amend the incorrect statements or non-conformities so as to enable the verification process to be completed in time.	3. Where the verification assessment identifies incorrect statements or non-conformities with this Regulation, the verifier shall inform the company concerned thereof in a timely manner. That company shall then ***without undue delay*** amend the incorrect statements or non-conformities so as to enable the verification process to be completed in time.	*deleted*	
Article 11				
176	Article 11 General obligations and principles for the verifiers		Article 11 General obligations and principles for the verifiers	
Article 11(1)				
177				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	1. The verifier shall be independent from the company or from the operator of a ship and shall carry out the activities required under this Regulation in the public interest. For that purpose, neither the verifier nor any part of the same legal entity shall be a company or ship operator, the owner of a company, or be owned by them, nor shall the verifier have relations with the company that could affect its independence and impartiality.		1. The verifier shall be independent from the company or from the operator of a ship and shall carry out the activities required under this Regulation in the public interest. For that purpose, neither the verifier nor any part of the same legal entity shall be a company or ship operator, the owner of a company, or be owned by them, nor shall the verifier have relations with the company that could affect its independence and impartiality.	
Article 11(2), introductory part				
178	2. The verifier shall assess the reliability, credibility and accuracy of the data and information relating to the amount, type and emission factor of the energy used on-board by ships, in particular:		2. The verifier shall assess the reliability, credibility**, accuracy and completeness** ~~and accuracy~~ of the data and information relating to the amount, type and emission factor of the energy used on-board by ships, in particular:	
Article 11(2), point (a)				
179	(a) the attribution of fuel consumption and the use of substitute sources of energy to voyages;		(a) the attribution of fuel consumption and the use of substitute sources of energy to voyages **and at berth**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 11(2), point (b)				
180	(b) the reported fuel consumption data and related measurements and calculations;		(b) the reported fuel consumption data and related measurements and calculations;	
Article 11(2), point (c)				
181	(c) the choice and the employment of emission factors;		(c) the choice and the employment of emission factors;	
Article 11(2), point (d)				
		Amendment 104		
182	(d) the use of on-shore power supply or the presence of exceptions certified in accordance with Article 5(5).	(d) the use of on-shore power supply or the presence of exceptions ***listed in Article 5(3),*** certified in accordance with Article 5(5).	(d) the use of on-shore power supply or the presence of exceptions certified in accordance with Article 5(5)~~.~~**;**	
Article 11(2), point (da)				
182a			**(e) the information required under Article 9(2).**	
Article 11(3), introductory part				
183	3. The assessment referred to in paragraph 2 shall be based on the following considerations:		3. The assessment referred to in paragraph 2 shall be based on the following considerations:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 11(3), point (a)				
184	(a) the reported data are coherent in relation to estimated data that are based on ship tracking data and characteristics such as the installed engine power;		(a) the reported data are coherent in relation to estimated data that are based on ship tracking data and characteristics such as the installed engine power;	
Article 11(3), point (b)				
185	(b) the reported data are free of inconsistencies, in particular when comparing the total volume of fuel purchased annually by each ship and the aggregate fuel consumption during voyages;		(b) the reported data are free of inconsistencies, in particular when comparing the total volume of fuel purchased annually by each ship and the aggregate fuel consumption during voyages;	
Article 11(3), point (c)				
186	(c) the collection of the data has been carried out in accordance with the applicable rules; and		(c) the collection of the data has been carried out in accordance with the applicable rules; and	
Article 11(3), point (d)				
		Amendment 105		
187	(d) the relevant records of the ship are complete and consistent.	(d) the relevant records of the ship are complete***, transparent***	(d) the relevant records of the ship are complete and consistent.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		and consistent.		
Article 12				
188	Article 12 Verification procedures		Article 12 Verification procedures	
Article 12(1)				
		Amendment 106		
189	1. The verifier shall identify potential risks related to the monitoring and reporting process by comparing reported amount, type and emission factor of the energy used on-board by ships with estimated data based on ship tracking data and characteristics such as the installed engine power. Where significant deviations are found, the verifier shall carry out further analyses.	1.The verifier shall identify potential risks related to the monitoring and reporting process by comparing reported amount, type and emission factor of the energy used on-board by ships with estimated data based on ship tracking data and characteristics such as the installed engine power. Where significant ~~deviations~~ ***divergences*** are found ***that would undermine the achievement of the targets of this Regulation,*** the verifier shall carry out further analyses.	1. The verifier shall identify potential risks related to the monitoring and reporting process by comparing reported amount, type and emission factor of the energy used on-board by ships with estimated data based on ship tracking data and characteristics such as the installed engine power. Where significant deviations are found, the verifier shall carry out further analyses.	
Article 12(2)				
190	2. The verifier shall identify potential risks related to the different calculation		2. The verifier shall identify potential risks related to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	steps by reviewing all data sources and methodologies used by the company.		different calculation steps by reviewing all data sources and methodologies used by the company.	
Article 12(3)				
191	3. The verifier shall take into consideration any effective risk control methods applied by the company concerned to reduce levels of uncertainty associated with the accuracy specific to the monitoring methods used.		3. The verifier shall take into consideration any effective risk control methods applied by the company concerned to reduce levels of uncertainty associated with the accuracy specific to the monitoring methods used.	
Article 12(4)				
192	4. The company concerned shall provide the verifier with any additional information that enables it to carry out the verification procedures. The verifier may conduct checks during the verification process to determine the reliability of reported data and information.		4. **On the request of the verifier,** the company concerned shall provide ~~the verifier with~~ any additional information that enables ~~it~~**the verifier** to carry out ~~the~~**its** verification ~~procedures.~~ **activities. Where necessary to determine the reliability, credibility, accuracy and completeness of reported data and information,** the verifier ~~may~~**shall** conduct checks during the verification process**. In case of doubts, the verifier may conduct site visits at the premises of the company or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			on-board the ship. The company shall allow the verifier to access the premises of the company or the ship, in order to facilitate its verification activities ~~to determine the reliability of reported data and information~~.	
Article 12(4a)				
192a			**5. The Commission shall adopt implementing acts in order to further specify the rules for the verification activities referred to in this Regulation, at least on the following elements[1]: competencies of verifiers, documents to be provided by companies to verifiers, risk assessment – including checks – to be carried out by verifiers, assessment of the conformity of the monitoring plan, verification of the FuelEU report, materiality level, reasonable assurance of verifiers, misstatements and non-conformities, content of the verification report, recommendations for improvements, site visits and communication between companies, verifiers, competent authorities and the Commission.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			<u>The rules specified in those implementing acts shall be based on the principles for verification provided for in Articles 10 to 12 and on relevant internationally accepted standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).</u> _____ **1. These elements are similar to those set out in Part A of Annex III of MRV Regulation, this paragraph being the equivalent of Article 15(5) of MRV Regulation.**	
Article 13				
193	Article 13 Accreditation of verifiers		Article 13 Accreditation of verifiers	
Article 13(1)				
		Amendment 107		
194	1. Verifiers shall be accredited for activities under the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008.	1. Verifiers shall be accredited for activities under the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008. ***The national accreditation body shall***	1. Verifiers shall be accredited for activities under the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		regularly notify to the Commission the list of accredited verifiers, together with all relevant contact information.		
		Amendment 108		
194a		**Article 13 – paragraph 1 a (new)**		
194b		***1a. National accreditation bodies shall make sure that the verifier:***		
194c		***(a) is knowledgeable in shipping;***		
194d		***(b) is equipped at all times with significant technical and support staff commensurate with the amount of vessels he verifies;***		
194e		***(c) is capable of assigning to every place of work, when and as needed, means and staff commensurate with the tasks to be carried out in accordance with the various tasks listed in Chapter V of the present regulation.***		
		Amendment 109		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
194f		**Article 13 – paragraph 1 b (new)**		
194g		***1b. In order to exclude potential conflicts of interest, the verifier shall not be substantially dependent on a single company for its revenue.***		
Article 13(2)				
195	2. Where no specific provisions concerning the accreditation of verifiers are laid down in this Regulation, the relevant provisions of Regulation (EC) No 765/2008 shall apply.		2. Where no specific provisions concerning the accreditation of verifiers are laid down in this Regulation, the relevant provisions of Regulation (EC) No 765/2008 shall apply.	
Article 13(2a)				
195a			**2bis. Verifiers shall be equipped at all times with means and staff commensurate with the size of the fleet for which they perform verification activities under this Regulation and with sufficient expertise to carry out the tasks required by this Regulation. They shall be capable of assigning their means and staff to every place of work, when and as needed for the tasks to be**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			carried out in application of this Regulation.	
Article 13(2b)				
195b			**2ter. Any competent authority identifying non-conformities of a verifier's activities within the scope of this Regulation shall inform the competent authority of the Member State of the national accreditation body having accredited the verifier. The competent authority of the Member State of the national accreditation body shall request its national accreditation body to take into account this information as part of its surveillance activities.**	
Article 13(3)				
		Amendment 110		
196	3. The Commission is empowered to adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing further methods and criteria of accreditation of verifiers. The methods specified in those delegated acts shall be based on	3. The Commission is empowered to adopt delegated acts in accordance with Article 26, in order to supplement this Regulation by establishing	3. The Commission is empowered to adopt ~~delegated acts in accordance with Article 26, in order to supplement~~**implementing acts , in order to establish further methods and criteria of accreditation of verifiers, at least**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	the principles for verification provided for in Articles 10 and 11 and on relevant internationally accepted standards.	further methods and criteria of accreditation of verifiers ***and other rules to ensure the verifiers' independence and impartiality***. The methods specified in those delegated acts shall be based on the principles for verification provided for in Articles 10 and 11 and on relevant internationally accepted standards.	**on the following elements[1]: request for accreditation for activities under the scope of** this Regulation**, assessment of verifiers by the national accreditation bodies, surveillance activities performed by the national accreditation bodies to confirm the continuation of the** ~~by establishing further methods and criteria of~~ accreditation**, administrative measures to be adopted in case the verifier does not satisfy the requirements of this Regulation, and requirements for national accreditation bodies in order to be competent to provide accreditation to** ~~of~~ verifiers **for activities under the scope of this Regulation, including reference to harmonised standards**. The methods **and criteria** specified in those ~~delegated~~**implementing** acts shall be based on the principles for verification provided for in Articles 10 ~~and 11~~**to 12** and on relevant internationally accepted standards. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).** _____ **1. These elements are similar to those set**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			out in Part B of Annex III of MRV Regulation, this paragraph being the equivalent of Article 16(3) of MRV Regulation.	
CHAPTER V				
197	CHAPTER V RECORDING, VERIFICATION, REPORTING AND ASSESMENT OF COMPLIANCE		CHAPTER V RECORDING, VERIFICATION, REPORTING AND ASSESMENT OF COMPLIANCE	
Article 14				
198	Article 14 Monitoring and recording		Article 14 Monitoring and recording	
Article 14(1), introductory part				
199	1. Based on the monitoring plan referred to in Article 7, and following the assessment of that plan by the verifier, companies shall record, for each ship arriving in or departing from, and for each voyage to or from a port of call under the jurisdiction of a Member State, the following information:		1. **As of 1 January 2025,** based on the monitoring plan referred to in Article 7, and following the assessment of that plan by the verifier, companies shall **monitor and** record, for each ship arriving in or departing from, and for each voyage to or from a port of call under the jurisdiction of a Member State, the following information:	
Article 14(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
200	(a) port of departure and port of arrival including the date and hour of departure and arrival and time spent at berth;		(a) port of departure and port of arrival including the date and hour of departure and arrival and time spent at berth;	
Article 14(1), point (b)				
201	(b) for each ship that the requirement of Article 5(1) applies, the connection to and use of on-shore power or the existence of any of the exceptions listed in Article 5(3);		(b) for each ship ~~that the requirement of~~**to which** Article 5(1) applies, the connection to and use of on-shore power or the ~~existence~~**application** of any of the exceptions listed in Article 5(3)**) as confirmed pursuant to Article 5(5ter, point a), where applicable**;	
Article 14(1), point (c)				
		Amendment 111		
202	(c) the amount of each type of fuel consumed at berth and at sea;	(c) the amount of each type of fuel consumed at berth and at sea***, including the amount of electricity taken at berth for navigational purposes***;	(c) the amount of each type of fuel consumed at berth and at sea;	
Article 14(1), point (ca)				
202a			**(cbis.) the amount of electricity delivered to the ship via on-shore**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			power supply;	
Article 14(1), point (d)				
		Amendment 112		
203	(d) the well-to-wake emission factors for each type of fuel consumed at berth and at sea, broken down by well-to-tank, tank-to-wake and fugitive emissions, covering all relevant greenhouse gases;	(d) the well-to-wake emission factors for each type of fuel***, including electricity taken from an onshore power supply,*** consumed at berth and at sea, broken down by well-to-tank, tank-to-wake and fugitive emissions, covering all relevant greenhouse gases;	(d) ~~the well-to-wake emission factors~~ for each type of fuel consumed at berth and at sea, ~~broken down by well-to-tank~~**the well-to-tank emission factor**, **the** tank-to-wake **emission factors of combusted fuel and the tank-to-wake emission factors of slipped fuel associated to the different fuel consumers onboard** ~~and fugitive emissions~~, covering all relevant greenhouse gases;	
Article 14(1), point (e)				
		Amendment 113		
204	(e) the amount of each type of substitute source of energy consumed at berth and at sea.	(e) the amount of each type of substitute source of energy consumed at berth and at sea***, including fuels, electricity, wind and solar energy***.	(e) the amount of each type of substitute source of energy consumed at berth and at sea~~.~~**;**	
Article 14(1), point (f)				
204a			**(f) the ship's ice class, if the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			company requests to exclude the additional energy due to ship's ice class from the scope of the energy used on-board. To establish the correspondence between ice classes, HELCOM Recommendation 25/7 shall be used;	
Article 14(1), point (g)				
204b			**(g) the date, time and position when entering and leaving the ice conditions, the amount of each type of fuel consumed when sailing in ice conditions, the distance travelled when sailing in ice conditions and the distance travelled during the voyage, if the company requests to exclude the additional energy due to sailing in ice conditions from the scope of the energy used on-board.**	
		Amendment 114		
204c		**Article 14 – paragraph 1 a (new)**		
204d		***1a. If the additional energy required due to the ship's ice***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		class is to be excluded from the energy used on-board, the monitoring plan shall also include:		
204e		***(a) the ice class of the ship;***		
204f		***(b) the date and time when sailing in ice conditions;***		
204g		***(c) the amount of each type of fuel consumed when sailing in ice conditions;***		
204h		***(d) the amount of each type of substitute source of energy consumed when sailing in ice conditions;***		
204i		***(e) the distance travelled when sailing in ice conditions;***		
204l		***(f) the distance travelled during the voyage;***		
204m		***(g) the amount of each type of fuel consumed at sea; and***		
204n		***(h) the amount of each type of substitute source of energy consumed at sea.***		
Article 14(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Amendment 115		
205	2. Companies shall record the information and data listed in paragraph 1 on annual basis in a transparent manner, that enables the verification of compliance with this Regulation by the verifier.	2. Companies shall record the information and data listed in paragraph 1 ~~on annual basis~~ in a ***timely and*** transparent manner ~~that enables~~ ***and compile them on annual basis to enable*** the verification of compliance with this Regulation by the verifier.	2. Companies shall record the information ~~and data~~ listed in paragraph 1 on annual basis in a transparent manner, that enables the verification of compliance with this Regulation by the verifier.	
Article 14(3)				
206	3. By 30 March of each year, companies shall provide to the verifier the information referred to in paragraph 1.		3. By ~~30 March of each~~**31 January of the reporting** year, companies shall provide to the verifier **a ship-specific FuelEU report containing all** the information referred to in paragraph 1 **and the monitoring data and documentation referred to in Article 6(4) for the reporting period**.	
Article 14(3a)				
206a			**4. In the event of the transfer of a ship from one company to another:**	
Article 14(3b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
206b			**(a) the previous company shall notify to the verifier the information referred to in paragraph 1 for the time during which it has assumed the responsibility for the operation of the ship. As close as practical to the day of the completion of the transfer and no later than one month thereafter this information shall be verified and recorded in the FuelEU database in accordance with Article 15 by the verifier that performed verification activities for the ship under the previous company; and**	
Article 14(3c)				
206c			**(b) without prejudice to sub-paragraph (a), the new company assuming the responsibility for the operation of the ship on 31 December of the reporting period shall be responsible for the compliance of the ship with the requirements of Articles 4 and 5 for the entire reporting period during which the transfer or multiple transfers took place.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 15				
207	Article 15 Verification and calculation		Article 15 Verification and calculation	
Article 15(1)				
208	1. Following the verification laid down in Articles 10 to 12, the verifier shall assess the quality, completeness and accuracy of the information provided by the company in accordance with Article 14(3).		1. Following the verification ~~laid down~~**as set out** in Articles 10 to 12, the verifier shall assess the quality, completeness and accuracy of the **FuelEU report. To this purpose, the verifier shall use any information contained in the FuelEU database, including** information provided ~~by the company~~**on port calls** in accordance with Article ~~14(3)~~**5**.	
Article 15(1a)				
208a			**1bis. [1]. Where the verification assessment concludes, with reasonable assurance from the verifier, that the FuelEU report is free from material misstatements, the verifier shall notify to the company a verification report stating that the FuelEU report complies with this Regulation. The verification**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			report shall specify all issues relevant to the work carried out by the verifier. _____ **1. This paragraph is inspired from Article 13(3) of MRV Regulation, for better consistency and robustness of the verification process.**	
Article 15(1b)				
208b			**1ter. [1]. Where the verification assessment identifies misstatements or non-conformities with this Regulation, the verifier shall inform the company thereof in a timely manner. The company shall then correct the misstatements or non-conformities so as to enable the verification process to be completed in time and shall submit to the verifier an amended FuelEU report and any other information that was necessary to correct the non-conformities identified. In its verification report, the verifier shall state whether the amended FuelEU report complies with this Regulation. Where the communicated misstatements or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			non-conformities have not been corrected and lead to material misstatements, the verifier shall notify to the company a verification report stating that the FuelEU report does not comply with this Regulation. **1. This paragraph corresponds to the initial Article 10(3), with additional elements from Article 13(4) of MRV Regulation, for better consistency and robustness of the verification process.**	
Article 15(2), introductory part				
209	2. On the basis of the information verified according to paragraph 1, the verifier shall:		2. On the basis of the ~~information verified according to paragraph 1~~**compliant FuelEU report**, the verifier shall:	
Article 15(2), point (a)				
210	(a) calculate, using the method specified in Annex I, the yearly average greenhouse gas intensity of the energy used on-board by the ship concerned;		(a) calculate, using the method specified in Annex I, the yearly average greenhouse gas intensity of the energy used on-board by the ship concerned;	
Article 15(2), point (b)				
211	(b) calculate, using the formula		(b) calculate, using the formula	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	specified in Annex V, the ship's compliance balance;		specified in Annex ~~V~~**III Part A**, the ship's compliance balance;	
Article 15(2), point (c)				
212	(c) calculate the number of non-compliant port calls in the previous reporting period including the time spent at berth for each non-compliant port call.		(c) calculate the number of non-compliant port calls in the previous reporting period including the time spent **moored at the quayside and, where applicable in accordance with Article 5(7), at anchorage,**~~at berth~~ for each ~~non-compliant~~ port call **non compliant with the requirements set in Article 5**.	
		Amendment 116		
212a		**Article 15 – paragraph 2 – point c a (new)**		
212b		***(ca) compile that information, provided pursuant to Article 14(3), and submit it to the Member State's competent authority.***		
Article 15(2), point (d)				
		Amendment 117		
213	(d) calculate the amount of the penalties	***deleted***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	referred to in Article 20(1) and (2).		*deleted*	
Article 15(3)				
214	*3.* The verifier shall notify to the company the information referred to in paragraph 2.		3. **By 31 March of the reporting year,** the verifier shall notify to the company **the information referred to in paragraph 2 and record in the FuelEU database the compliant FuelEU report, the verification report and** the information referred to in paragraph 2.	
		Amendment 118		
214a		**Article 15 – paragraph 3 a (new)**		
214b		***3a. On the basis of the information provided by the verifier, the Member State's competent authority shall calculate the amount of the penalties referred to in Article 20(1) and (2) and shall notify it to the company.***		
		Amendment 119		
214c		**Article 15 – paragraph 4 a (new)**		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
214d		***4a. The administering authority in respect of a shipping company shall be:***		
		(a) in the case of a shipping company registered in a Member State, the Member State in which the shipping company is registered;		
214e		***(b) in the case of a shipping company that is not registered in a Member State, the Member State with the greatest estimated number of port calls from voyages performed by that shipping company in the last two monitoring years falling within the scope set out in Article 2;***		
214f		***(c) in the case of a shipping company that is not registered in a Member State and that has not carried out any voyage falling within the scope set out in Article 2 in the preceding two monitoring years, the administering authority shall be the Member State from where the shipping company has started***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		its first voyage falling within the scope set out in Article 2.		
Article 15bis				
214g			**15bis. *Article 15bis*** **Additional checks by a competent authority**	
Article 15bis(1)				
214h			**1. At any time and for the two previous reporting periods, the competent authority of the administering State in respect of a shipping company may, for any of its ships, conduct additional checks of any of the following:**	
Article 15bis(1a)				
214i			**(a) the compliant FuelEU report established in application of Articles 14 and 15;**	
Article 15bis(1b)				
214l			**(b) the verification report established in application of Article 15;**	
Article 15bis(1c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
214m			**(c) the calculations made by the verifier in application of Article 15(2).**	
Article 15bis(2)				
214n			**2. On the request of the competent authority, the company shall provide any necessary information or document and shall allow the access to the premises of the company or the ship to facilitate the checks.**	
Article 15bis(3)				
214o			**3. The competent authority shall issue an additional checks report including, where applicable, the updated calculations made in application of Article 15bis(1)(c), the updated amount of the compliance surplus or of the advance compliance surplus and the updated amount of the remedial penalty.**	
Article 15bis(4)				
214p				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			4. Where the report referred to in paragraph 3 finds misstatements, non-conformities or miscalculations resulting in a non-conformity to the requirements set out in Articles 4 or 5 of this Regulation and, consequently, in a remedial penalty or a modification of the amount of a remedial penalty already paid, the competent authority shall notify to the company the corresponding amount of the remedial penalty or of the modified remedial penalty. Member States shall ensure that the company responsible for the ship during the period subject to the additional checks shall pay an amount equal to the remedial penalty or that modified remedial penalty within one month after its notification, in accordance with the modalities referred to in Article 20.	
Article 15bis(5)				
214q			**5. The competent authority shall withdraw without delay in the FuelEU database the FuelEU document of compliance of the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			ship whose company has not paid in due time the penalties referred to in paragraph 4 and shall notify this withdrawal to the company in a timely manner. It shall issue the document of compliance again when an amount equal to the remedial penalty has been paid, provided that the other conditions set out in this Regulation for holding this document are fulfilled by the company.	
Article 15bis(6)				
214r			**6. Paragraph 5 shall not apply to a ship which has been transferred to a company other than the one that assumed the responsibility for its operation during the period subject to the additional checks.**	
Article 15bis(7)				
214s			**7. The actions referred to in this Article as well as the proof of the payments shall be recorded without delay in the FuelEU database by the entities performing these actions.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 15ter				
214t			**15ter. *Article 15ter*** **Supporting tools and guidance**	
Article 15ter				
214u			**The Commission shall develop appropriate monitoring tools, as well as guidance and risk-based targeting tools, to facilitate and coordinate verification and enforcement activities related to this Regulation. As far as practicable, such guidance and tools shall be made available to the Member States, the verifiers and the national accreditation bodies for information sharing purpose and in order to better ensure robust enforcement of this Regulation.**	
Article 16				
215	Article 16 Compliance database and reporting		Article 16 ~~Compliance~~**FuelEU** database and reporting	
Article 16(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Amendment 120		
216	1. The Commission shall develop, ensure functioning and update an electronic compliance database for the monitoring of compliance with Articles 4 and 5. The compliance database shall be used to keep a record of the compliance balance of the ships and the use of the flexibility mechanisms set out in Articles 17 and 18. It shall be accessible to the companies, the verifiers, the competent authorities and the Commission.	1. The Commission shall develop, ensure ***the*** functioning ***of,*** and update an electronic compliance database ***integrated with the THETIS-MRV system established under Regulation (EU) 2015/757,*** for the monitoring of compliance with Articles 4 and 5. The compliance database shall be used to keep a record of the compliance balance of the ships***, the use of the exemptions set out in Article 5(3)*** and the use of the flexibility mechanisms set out in Articles 17 and 18 ***and penalties incurred under Article 20.*** It shall be accessible to the companies, the verifiers, the competent authorities and the Commission.	1. The Commission shall develop, ensure functioning and update an electronic ~~compliance~~ **FuelEU** database for the monitoring of compliance with ~~Articles 4 and 5. The compliance~~**this Regulation. The FuelEU** database shall be used to keep a record of the **actions related to verification activities, of the** compliance balance of the ships**, including** ~~and~~ the use of the flexibility mechanisms set out in Articles 17 and 18**, and of the actions related to the payment of the penalties referred to in Article 20 and the issuance of the FuelEU document of compliance**. It shall be accessible to the companies, the verifiers, the competent authorities and **any duly authorized entity, the national accreditation bodies, the European Maritime Safety Agency and** the Commission**, with appropriate access rights and functionalities corresponding to their respective responsibilities in the implementation of this Regulation**.	
216a			**1bis. Any elements recorded or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			modified in the FuelEU database shall be notified to the entities to which they are accessible.	
Article 16(1a)				
		Amendment 121		
216b		**Article 16 – paragraph 1 a (new)**		
216c		***1a. Companies shall be allowed to bank compliance surplus from ships not subject to this regulation that are fully propelled with renewable energy such as wind or solar as long as these ships are not used for leisure purposes only.***		
Article 16(2)				
217	2. The Commission shall, by means of implementing acts, lay down the rules for access rights and the functional and technical specifications of the compliance database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).		2. The Commission shall, by means of implementing acts, lay down the rules for access rights and the functional and technical specifications**, including notification rules and filtering,** of the ~~compliance~~**FuelEU** database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 16(3)				
		Amendment 122		
218	3. By 30 April of each year, the company shall record in the compliance database for each of its ships the information referred to in Article 15(2), as ascertained by the verifier, together with information allowing to identify the ship, the company, as well as the identity of the verifier that carried out the assessment.	3. By 30 April of each year, the company shall record in the compliance database for each of its ships the information referred to in Article 15(2), as ascertained ***and calculated*** by the verifier***, the use of the flexibility mechanisms set out in Articles 17 and 18, the yearly exceptions applied under Article 5(3), if any***, together with information allowing to identify the ship, the company, as well as the identity of the verifier that carried out the assessment.	*deleted*	
Article 17				
219	Article 17 Banking and borrowing of compliance surplus between reporting periods		Article 17 Banking and borrowing of compliance surplus between reporting periods	
Article 17(1)				
		Amendment 123		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
220	1. Where the ship has a compliance surplus for the reporting period, the company may bank it to the same ship's compliance balance for the following reporting period. The company shall record the banking of the compliance surplus to the following reporting period in the compliance database subject to approval by its verifier. The company may no longer bank the compliance surplus once the FuelEU certificate of compliance has been issued.	1. ***Based on the information referred to in Article 15(2),*** where the ship has ~~a compliance surplus~~ for the reporting period ***a compliance surplus on its greenhouse gas intensity or RFNBO quota as referred to in Articles 4(2) and 4a(3) respectively***, the company may bank it to the same ship's compliance balance for the following reporting period. The company shall record the banking of the compliance surplus to the following reporting period in the compliance database subject to approval by its verifier. The company may no longer bank the compliance surplus once the FuelEU certificate of compliance has been issued. ***The unused compliance surplus for the following reporting period shall have a validity of three years.***	1. **On the basis of the information referred to in Article 15(2),** where the ship has a compliance surplus for the reporting period, the company may bank it to the same ship's compliance balance for the following reporting period. The company shall record the banking of the compliance surplus to the following reporting period in the ~~compliance~~**FuelEU** database subject to approval by its verifier. The company may no longer bank the compliance surplus once the FuelEU ~~certificate~~**document** of compliance has been issued.	
Article 17(2), introductory part				
221	2. Where the ship has a compliance deficit for the reporting period, the company may borrow an advance compliance surplus of the		2. **On the basis of the information referred to in Article 15(2),** where the ship has a compliance deficit for the reporting	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	corresponding amount from the following reporting period. The advance compliance surplus shall be added to the ship's balance in the reporting period and subtracted from the same ship's balance in the following reporting period. The amount to be subtracted in the following reporting period shall be equal to the advance compliance surplus multiplied by 1.1. The advance compliance surplus may not be borrowed:		period, the company may borrow an advance compliance surplus of the corresponding amount from the following reporting period. The advance compliance surplus shall be added to the ship's balance in the reporting period and ~~subtracted from the same ship's balance in the following reporting period. The amount to be subtracted~~**the advance compliance surplus multiplied by 1.1 shall be subtracted from the same ship's balance** in the following reporting period ~~shall be equal to the advance compliance surplus multiplied by 1.1~~. The advance compliance surplus may not be borrowed:	
Article 17(2), point (a)				
222	(a) for the amount exceeding by more than 2% the limit set out in Article 4(2), multiplied by the energy consumption of the ship calculated in accordance with Annex I;		(a) for the amount exceeding by more than 2% the limit set out in Article 4(2), multiplied by the energy consumption of the ship calculated in accordance with Annex I;	
Article 17(2), point (b)				
223	(b) for two consecutive reporting		(b) for two consecutive reporting	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	periods.		periods.	
Article 17(3)				
224	3. By 30 April of the year following the reporting period, the company shall record the advance compliance surplus, following approval by its verifier, in the compliance database.		3. By 30 April of the ~~year following the~~ reporting ~~period~~**year**, the company shall record the advance compliance surplus, following approval by its verifier, in the ~~compliance~~**FuelEU** database.	
Article 17(3a)				
224a			**4. When a ship does not have any port call in the Union during the reporting period and has borrowed an advance compliance surplus in the previous reporting period, the competent authority of the administering State shall notify by 1 June of the reporting year to the company the amount of the remedial penalty mentioned in Article 20(1bis) initially avoided by means of borrowing this advance compliance surplus, multiplied by 1.1.**	
Article 18				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
225	Article 18 Pooling of compliance		Article 18 Pooling of compliance	
Article 18(1)				
		Amendment 124		
226	1. The compliance balances of two or more ships, which are verified by the same verifier, may be pooled for the purposes of fulfilling the requirements of Article 4. A ship's compliance balance may not be included in more than one pool in the same reporting period.	1. The compliance balances ***for greenhouse gas intensity and RFNBO quota as referred to in Articles 4(2) and 4a(3) respectively,*** of two or more ships, which are verified by the same verifier, may be pooled for the purposes of fulfilling the requirements of Article 4 ***and 4a***. A ship's compliance balance may not be included in more than one pool in the same reporting period.	1. The compliance balances of two or more ships, ~~which are verified by the same verifier~~**as calculated in application of Article 15(2)** , may be pooled for the purposes of fulfilling the requirements of Article 4. A ship's compliance balance may not be included in more than one pool in the same reporting period.	
Article 18(2)				
227	2. By 30 March of the year following the reporting period, the company shall notify to the verifier the intention of including the ship's compliance balance in a pool for the immediately preceding reporting period. In the case where the ships participating in the pool are controlled by two or more companies,		2. ~~By 30 March of the year following the reporting period~~**To that end**, the company shall notify ~~to the verifier~~**in the FuelEU database** the intention of including the ship's compliance balance in a pool ~~for the immediately preceding reporting period. In the case where~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	the companies shall make a joint notification to the verifier.		~~the ships participating in~~**, the allocation of the total compliance balance of** the pool ~~are controlled by two or more companies, the companies shall make a joint notification to the verifier~~**to each individual ship, and the choice of the verifier selected for verifying this allocation**.	
Article 18(2a)				
227a			**2bis. In the case where the ships participating in the pool are controlled by two or more companies, the notification, including the allocation of the total compliance balance of the pool to its ships and the choice of the verifier selected for verifying the allocation of the total compliance balance of the pool to each individual ship, shall be accepted by all the companies concerned.**	
Article 18(3)				
228	3. By 30 April of the year following the reporting period, the pool shall be recorded in the compliance database by the verifier. The composition of the		3. ~~By 30 April of the year following the reporting period, the pool shall be recorded in the~~**A pool is valid only if the total pooled**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	pool shall not change after that date.		**compliance is positive, if ships which had a compliance deficit as calculated in application of Article 15(2) do not have a higher** compliance ~~database by the verifier. The composition of the pool shall not change~~**deficit after the allocation of the pooled compliance and if ships which had a compliance surplus as calculated in application of Article 15(2) do not have a compliance deficit** after ~~that date~~**the allocation of the pooled compliance**.	
Article 18(4)				
229	4. In case of pooled compliance under paragraph 1 of this Article, and for the purposes of Article 15(2)(b), the company may decide how to allocate the total compliance balance of the pool to each individual ship, provided that the total pool compliance balance is respected. In case where the ships participating in the pool are controlled by two or more companies, the total compliance balance of the pool shall be allocated in accordance with the method specified in the joint notification.		4. ~~In case of pooled compliance under paragraph 1 of this Article, and for the purposes of Article 15(2)(b), the company may decide how to allocate the total compliance balance of the pool to each individual ship, provided that the total pool compliance balance is respected. In case where the ships participating in the pool are controlled by two or more companies, the total compliance balance of the pool shall be allocated in accordance~~**A ship shall not be included in a pool if**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			it does not comply with the ~~method specified in the joint notification~~**obligation set out in Article 22**.	
Article 18(5)				
230	5. If the pool average compliance balance results in the compliance surplus for an individual ship, Article 17(1) applies.		5. If the ~~pool average~~**total pooled** compliance balance results in ~~the~~**a** compliance surplus for an individual ship, Article 17(1) applies.	
Article 18(6)				
231	6. Article 17(2) does not apply to a ship participating in the pool.		6. Article 17(2) does not apply to a ship participating in the pool.	
Article 18(7)				
232	7. The company may no longer include the ship's compliance balance in a pool once the FuelEU certificate of compliance has been issued.		7. ~~The company may no longer include the ship's compliance balance in a pool once the FuelEU certificate of~~ **By 30 April of the reporting year, the selected verifier shall record in the FuelEU database the definitive composition of the pool and allocation of the total pooled** compliance ~~has been issued~~**balance to each individual**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			ship.	
Article 19				
233	Article 19 FuelEU certificate of compliance		Article 19 FuelEU ~~certificate~~**document** of compliance	
Article 19(1)				
234	1. By 30 June of the year following the reporting period, the verifier shall issue a FuelEU certificate of compliance for the ship concerned, provided that the ship does not have a compliance deficit, after possible application of Articles 17 and 18, and does not have non-compliant port calls.		1. By 30 June of the ~~year following the~~ reporting ~~period~~**year**, the verifier shall issue a FuelEU ~~certificate~~**document** of compliance for the ship concerned, provided that the ship does not have a compliance deficit, after possible application of Articles 17 and 18, ~~and~~ does not have non-compliant port calls **and complies with the obligation set out in Article 22**.	
Article 19(1a)				
234a			**1bis. Where remedial penalties pursuant to Article 20(1bis) or Article 20(2bis) are due, the competent authority of the administering State shall, by 30 June of the reporting year, issue a FuelEU document of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			compliance for the ship concerned, provided that an amount equal to the remedial penalties has been paid.	
Article 19(2), introductory part				
235	2. The FuelEU certificate of compliance shall include the following information:		2. The FuelEU ~~certificate~~**document** of compliance shall include the following information:	
Article 19(2), point (a)				
236	(a) identity of the ship (name, IMO identification number and port of registry or home port);		(a) identity of the ship (name, IMO identification number and port of registry or home port);	
Article 19(2), point (b)				
237	(b) name, address and principal place of business of the ship-owner;		(b) name, address and principal place of business of the ship-owner;	
Article 19(2), point (c)				
238	(c) identity of the verifier;		(c) identity of the verifier;	
Article 19(2), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
239	(d) date of issue of this certificate, its period of validity and the reporting period it refers to.		(d) date of issue of this ~~certificate~~**document**, its period of validity and the reporting period it refers to.	
Article 19(3)				
240	3. The FuelEU certificate of compliance shall be valid for the period of 18 months after the end of the reporting period.		3. The FuelEU ~~certificate~~**document** of compliance shall be valid for ~~the~~**a** period of 18 months after the end of the reporting period**, or expire if a new document is issued in the meantime**.	
Article 19(4)				
241	4. The verifier shall inform the Commission and the flag State, without delay, of the issuance of any FuelEU certificate of compliance.		4. The verifier ~~shall inform the Commission and the flag~~**or where applicable the competent authority of the administering** State~~,~~ **shall record in the FuelEU database** without delay, ~~of~~ the issuance of any FuelEU ~~certificate~~**document** of compliance.	
Article 19(5)				
242	5. The Commission shall adopt		5. The Commission shall adopt	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	implementing acts establishing models for the FuelEU certificate of compliance, including electronic models. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 27(2).		implementing acts establishing models for the FuelEU ~~certificate~~**document** of compliance, including electronic ~~models~~**templates** . Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 27(2).	
Article 20				
243	Article 20 Penalties		Article 20 **Remedial** penalties	
Article 20(1)				
		Amendment 125		
244	1. Where on 1 May of the year following the reporting period the ship has a compliance deficit, the company shall pay a penalty. The verifier shall calculate the amount of the penalty on the basis of the formula specified Annex V.	1. Where on 1 May of the year following the reporting period the ship has a compliance deficit, the company shall pay a ***remedial*** penalty. The ***Member State's competent authority shall, based on the information provided by the*** verifier***,*** ~~shall~~ calculate the amount of the penalty on the basis of the ~~formula~~ ***formulas*** specified ***in*** Annex V***, for the greenhouse gas intensity***	1. ~~Where on~~**Before** 1 May of the **reporting year on the basis of the calculation undertaken pursuant to Article 15(2) and after application of Articles 17 and 18, where applicable,**~~year following the reporting period the ship has a compliance deficit, the company shall pay a penalty.~~ the verifier shall ~~calculate the amount of the penalty on the basis~~**record in the FuelEU database the verified compliance balance** of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		limits and, where applicable, the RFNBO quota, as referred to in Articles 4(2) and 4a(3) respectively.	~~formula specified Annex V~~**ship**.	
Article 20(1a)				
244a			**1bis. The administering State in respect of a company shall ensure that, for any of its ships having a compliance deficit on 1 June of the reporting year, after a possible validation by their competent authority, the company shall pay by 30 June of the reporting year an amount equal to the remedial penalty resulting from the application of the formula specified in Annex III Part B. When a ship has a compliance deficit for two consecutive reporting periods or more, that amount shall be multiplied by 1 + (n -1)/10, where n is the number of consecutive reporting periods for which the company is subject to a remedial penalty for this ship.**	
Article 20(1b)				
244b			**1ter. The administering State in respect of a company shall**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			ensure that, for any of its ships which is in the situation referred to in Article 17(4), the company shall pay by 30 June of the reporting year an amount equal to the remedial penalty notified pursuant to that Article.	
Article 20(2)				
		Amendment 126		
245	2. The company shall pay a penalty for each non-compliant port call. The verifier shall calculate the amount of the penalty by multiplying the amount of EUR 250 by megawatts of power installed on-board and by the number of completed hours spent at berth.	2. The company shall pay a penalty for each non-compliant port call. The ***Member State's competent authority shall, based on the information provided by the*** verifier**,** ~~shall~~ calculate the amount of the penalty by multiplying the amount of EUR 250 ***at 2022 prices*** by megawatts of power installed on-board and by the number of completed hours spent at berth. ***For the purpose of this calculation, the amount of time needed to connect to OPS shall be deemed to be two hours, and that amount of time shall be subtracted by default from the calculation of the number of completed***	2. ~~The company shall pay a penalty for each non-compliant port call. The verifier shall calculate the amount of the penalty by multiplying the amount of EUR 250 by megawatts of power installed on-board and~~**Before 1 May of the reporting year, where applicable on the basis of the calculation undertaken pursuant to Article 15(2), the verifier shall record in the FuelEU database the total number of hours spent moored at the quayside** by the ~~number of completed hours spent at berth~~**ship in non-compliance with the requirements set in Article 5**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		hours spent at berth to account for the time needed to connect to OPS.		
Article 20(2a)				
245a			**2bis. The administering State in respect of a company shall ensure that for any of its ships which made at least one non-compliant port call, after a possible validation by their competent authority, the company shall pay by 30 June of the reporting year an amount equal to the remedial penalty resulting from the multiplication of EUR 1.5 by the established total electrical power demand of the ship at berth and by the total number of rounded-up hours spent at berth in non-compliance with the requirements set in Article 5.**	
Article 20(2b)				
245b			**2ter. Member States shall have the necessary legal and administrative framework in place at national level to ensure the fulfilment of the obligations concerning the imposition,**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			payment and collection of the remedial penalties provided for in this Regulation.	
Article 20(3)				
246	3. Notwithstanding Article 19(1), the verifier shall issue a FuelEU certificate of compliance once the penalties referred to in paragraphs 1 and 2 of this Article have been paid. The actions referred to in this Article as well as the proof of the financial payments in accordance with Article 21 shall be recorded in the FuelEU certificate of compliance.		3. ~~Notwithstanding Article 19(1), the verifier shall issue a FuelEU certificate of compliance once the penalties referred to in paragraphs 1 and 2 of this Article have been paid.~~ The actions referred to in this Article as well as the proof of the ~~financial~~ payments ~~in accordance with Article 21~~ shall be recorded **without delay** in the FuelEU ~~certificate of compliance~~**database by the entities who had performed those actions**.	
Article 20(3a)				
		Amendment 127		
246a		**Article 20 – paragraph 3 a (new)**		
246b		***3a. The administering State in respect of a company shall ensure that, for any of its ships having compliance deficits on 1 June of the***	**3bis. The company shall remain responsible for the payment of the remedial penalties, without prejudice to the possibility to conclude contractual agreements**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		reporting year, after a possible validation by their competent authority, the company shall pay by 30 June of the reporting year an amount equal to the penalty resulting from the application of the formulas specified in Annex V Part B.	**with the commercial operators of the ship that foresee the liability of the latter to reimburse the company for the payment of the remedial penalties referred to in this Article, when the responsibility for the purchase of the fuel or the operation of the ship is assumed by the commercial operator. For the purposes of this paragraph, operation of the ship shall mean determining the cargo carried, the route and the speed of the ship.**	
		Amendment 128		
246c		**Article 20 – paragraph 3 b (new)**		
246d		***3b. Where the company concludes a contract with a commercial operator specifying that this operator is responsible for the purchase of the fuel and the operation of the ship, the company and that commercial operator shall, by means of a contractual arrangement, determine that the latter shall be liable for***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		the payment of the costs arising from the penalties referred to in this Article. For the purposes of this paragraph, being responsible for the operation of the ship shall mean determining the cargo carried, the itinerary, the routeing and/or the speed of the ship.		
		Amendment 129		
246e		**Article 20 – paragraph 3 c (new)**		
246f		***3c. Where the company or commercial operator concludes a contract with a fuel supplier, making the latter responsible for the supply of specific fuels, that contract shall include provisions laying down the fuel supplier's liability to compensate the company or commercial operator for the payment of penalties referred to in this Article, if fuels were not delivered according to the agreed terms. For the purpose of this paragraph, fuels supplied under mentioned contracts must be***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		compliant with provisions in Article 9(1)(b).		
Article 20(4)				
		Amendment 130		
247	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex V in order to adapt the formula referred to in paragraph 1 of this Article, and to amend the amount of the fixed penalty laid down in paragraph 2 of this Article, taking into account the developments in the cost of energy.	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex V in order to adapt the formula referred to in paragraph 1 of this Article, and to amend the amount of the fixed penalty laid down in paragraph 2 of this Article, ***as soon as*** ~~taking into account the~~ developments in the cost of energy ***undermine the dissuasive effect of the existing penalties. Regarding the formula referred to in paragraph1 of this Article, the resulting penalty must be larger than the amount and cost of the renewable and low-carbon fuel that the ships would have used if they had met the requirements of this Regulation.***	4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex ~~V~~**III** in order to adapt the **factor defined in cells 7 of the table in Part B of that Annex and used in the** formula referred to in paragraph 1 of this Article, ~~and to amend the amount of the fixed penalty~~**based on the developments in the cost of energy, and to amend the numerical factor** laid down in paragraph ~~2~~**2bis** of this Article, ~~taking into account the developments in the~~ **based on the indexation of the average** cost of ~~energy~~**electricity in the Union**.	
Article 20(4a)				
247a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			5. Member States should ensure that the revenues generated from remedial penalties, or the equivalent in financial value of those revenues, are used to support the rapid deployment and use of renewable and low carbon fuels in the maritime sector, by stimulating the production of greater quantities of renewable and low carbon fuels for the maritime sector, facilitating the construction of appropriate bunkering facilities or electric connection ports in ports, and supporting the development, testing and deployment of the most innovative technologies in the fleet to achieve significant emission reductions.	
Article 21				
248	Article 21 Allocation of penalties to support renewable and low-carbon fuels in the maritime sector		*deleted*	
Article 21(1)				
		Amendment 131		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
249	*1.* The penalties referred to in Article 20(1) and 20(2) shall be allocated to support common projects aimed at the rapid deployment of renewable and low carbon fuels in the maritime sector. Projects financed by the funds collected from the penalties shall stimulate the production of greater quantities of renewable and low carbon fuels for the maritime sector, facilitate the construction of appropriate bunkering facilities or electric connection ports in ports, and support the development, testing and deployment of the most innovative European technologies in the fleet to achieve significant emission reductions.	1. The penalties referred to in Article 20(1) and 20(2) shall be allocated to support common projects aimed at the rapid deployment of renewable and low carbon fuels in the maritime sector. Projects financed by the funds collected from the penalties shall stimulate the production of greater quantities of renewable and low carbon fuels for the maritime sector, facilitate the construction of appropriate bunkering facilities or electric connection ports in ports, ***or adapt the superstructure, if required,*** and support the development, testing and deployment of the most innovative European technologies in the fleet to achieve significant emission reductions.	*deleted*	
Article 21(2)				
		Amendment 132		
250	*2.* The revenues generated from penalties referred to in paragraph 1 shall be allocated to the the Innovation Fund referred to in Article 10a(8) of Directive	2. The revenues generated from penalties referred to in paragraph 1 shall be	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	2003/87/EC. These revenues shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation, and shall be implemented in accordance with the rules applicable to the Innovation Fund.	allocated to the ~~Innovation~~ ***Ocean*** Fund referred to in Article ~~10a(8)~~ ***3gab*** of Directive 2003/87/EC. ***These revenues shall be earmarked for the maritime sector and contribute to its decarbonisation***. These revenues shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation, and shall be implemented in accordance with the rules applicable to the ~~Innovation~~ ***Ocean*** Fund.		
Article 21(3)				
251	*3.* The Commission is empowered to adopt delegated acts in accordance with Article 26 to supplement this Regulation concerning the modalities for the payment of the penalties referred to in Article 20(1) and 20(2).		*deleted*	
Article 22				
252	Article 22 Obligation to carry a valid FuelEU		Article 22 Obligation to ~~carry~~**hold** a valid	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	certificate of compliance on-board		FuelEU ~~certificate~~**document** of compliance ~~on-board~~	
Article 22(1)				
253	1. The ships calling at a port under the jurisdiction of a Member State shall carry on-board a valid FuelEU certificate of compliance.		1. **By 30 June of the reporting year,** the ships calling at a port under the jurisdiction of a Member State**, arriving at, within or departing from a port under the jurisdiction of a Member State, and which have carried out voyages during that reporting period, shall hold** ~~shall carry on-board~~ a valid FuelEU ~~certificate~~**document** of compliance.	
Article 22(2)				
254	2. The Fuel EU certificate of compliance issued for the ship concerned in accordance with Article 19 shall constitute evidence of compliance with this Regulation.		2. The Fuel EU ~~certificate~~**document** of compliance issued for the ship concerned in accordance with Article 19 shall constitute evidence of compliance with this Regulation.	
Article 23				
255	Article 23 Enforcement		Article 23 Enforcement	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 23(1)				
256	1. Member States shall lay down the rules on sanctions applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [dd/mm/20xx], and shall notify to the Commission without delay any subsequent amendments.		1. Member States shall lay down the rules on sanctions applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [dd/mm/20xx], and shall notify to the Commission without delay any subsequent amendments.	
Article 23(2)				
257	2. Each Member State shall ensure that any inspection of a ship in a port under its jurisdiction carried out in accordance with Directive 2009/16/EC includes checking that a valid FuelEU certificate of compliance is carried on board.		2. Each Member State shall ensure that any inspection of a ship in a port under its jurisdiction carried out in accordance with Directive 2009/16/EC includes checking that a valid FuelEU ~~certificate~~**document** of compliance is carried on board.	
Article 23(3)				
258	3. Where a ship has failed to present a		3. Where a ship has failed to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	valid FuelEU certificate of compliance 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 call may, after giving the opportunity to the company concerned to submit its observations, issue an expulsion order. The competent authority of the Member State shall notify the expulsion order to the Commission, the other Member States and the flag State concerned. Every Member State, with the exception of any Member State whose flag the ship is flying, shall refuse entry of the ship which is subject to the expulsion order into any of its ports until the company fulfils its obligations. Where the ship flies the flag of a Member State, the Member State concerned shall, after giving the opportunity to the company concerned to submit its observations, order a flag detention until the company fulfils its obligations.		present a valid FuelEU ~~certificate~~**document** of compliance 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 call may, **in respect of a ship not flying the flag of that Member State and** after giving the opportunity to the company concerned to submit its observations, issue an expulsion order. **In case** the competent authority of the Member State ~~shall notify the~~ **of the port of call decides to issue an** expulsion order**, it shall notify it** to the Commission, the other Member States and the flag State concerned **through the FuelEU database**. Every Member State, with the exception of any Member State whose flag the ship is flying, shall refuse entry of the ship which is subject to the expulsion order into any of its ports until the company fulfils its obligations. Where the ship flies the flag of a Member State **and enters one of its ports or is found with such failure while in one of its ports**, the Member State concerned shall,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			after giving the opportunity to the company concerned to submit its observations, order a flag detention until the company fulfils its obligations.	
Article 23(4)				
259	4. The fulfilment of those obligations shall be confirmed by the notification of a valid FuelEU certificate of compliance to the competent national authority which issued the expulsion order. This paragraph shall be without prejudice to the provisions of international law applicable in the case of ships in distress.		4. The fulfilment of those obligations shall be confirmed by the notification of a valid FuelEU ~~certificate~~**document** of compliance to the competent national authority which issued the expulsion order. This paragraph shall be without prejudice to the provisions of international law applicable in the case of ships in distress.	
Article 23(5)				
260	5. Sanctions against a specified ship by any Member State shall be notified to the Commission, to the other Member States and to the flag State concerned.		5. Sanctions against a specified ship by any Member State shall be notified to the Commission, to the other Member States and to the flag State concerned **through the FuelEU database**.	
Article 24				
261	Article 24		Article 24	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	Right to review		Right to review	
Article 24(1)				
		Amendment 133		
262	1. The companies shall be entitled to apply for a review of the calculations and measures addressed to them by the verifier under this Regulation, including the refusal to issue a FuelEU certificate of compliance pursuant to Article 19(1).	1. The companies shall be entitled to apply for a review of the calculations and measures addressed to them by ***the Member State's competent authority or*** the verifier under this Regulation, including the refusal to issue a FuelEU certificate of compliance pursuant to Article 19(1).	1. The companies shall be entitled to apply for a review of the calculations and measures addressed to them by the verifier under this Regulation, including the refusal to issue a FuelEU ~~certificate~~**document** of compliance pursuant to Article 19(1). **The application for review shall be lodged, within one month of the notification of the result of calculation or of the measure by the verifier, with the competent authority of the Member State in which the verifier has been accredited.**	
Article 24(2)				
263	2. The application for review shall be lodged, within one month of the notification of the result of calculation or of the measure by the verifier, with the competent authority of the Member State in which the verifier has been accredited. The decision of the		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	competent authority shall be subject to judicial review			
Article 24(3)				
264	*3.* The decisions taken under this Regulation by the managing body of the port shall be subject to judicial review.		3. The decisions taken under this Regulation by the ~~managing body of the port~~**competent authority of a Member State** shall be subject to ~~judicial~~ review **by a court of the Member State of that competent authority**.	
Article 25				
265	Article 25 Competent authorities		Article 25 Competent authorities	
Article 25, first paragraph				
266	Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities'). They shall communicate their names and contact information to the Commission. The Commission shall publish on its website the list of competent authorities.		Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities'). They shall communicate their names and contact information to the Commission. The Commission shall publish on its website the list of competent authorities.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
CHAPTER VI				
267	CHAPTER VI DELEGATED AND IMPLEMENTING POWERS AND FINAL PROVISIONS		CHAPTER VI DELEGATED AND IMPLEMENTING POWERS AND FINAL PROVISIONS	
Article 26				
268	Article 26 Exercise of delegation		Article 26 Exercise of delegation	
Article 26(1)				
269	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 26(2)				
		Amendment 134		
270	2. The power to adopt delegated acts referred to in Articles 4(6), 5(4), 9(3), 13(3), 20(4), and 21(3) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].	2. The power to adopt delegated acts referred to in Articles ~~4(6),~~ ***4(4)***, ***4a(6),*** 5(4), 9(3)***, 9a(3)***, 13(3), 20(4), and 21(3) shall be conferred on the Commission for an indeterminate period of time	2. The power to adopt delegated acts referred to in Articles ~~4(6), 5(4), 9(3), 13(3), 20(4), and 21(3)~~ **4(4), , 9(4), and 20(4)**shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		from [date of entry into force of this Regulation].	this Regulation].	
Article 26(3)				
		Amendment 135		
271	3. The delegation of power referred to in Articles 4(7), 5(4), 9(3), 13(3), 20(4), and 21(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.	3. The delegation of power referred to in Articles ~~4(7),~~ ***4(4), 4a(6),*** 5(4), 9(3), ***9a(3),***13(3), 20(4), and 21(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.	3. The delegation of power referred to in Articles ~~4(7), 5(4), 9(3), 13(3), 20(4)~~**4(4), 9(4)**, ~~and 21(3)~~ **and 20(4)** 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***~~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.	
Article 26(4)				
272	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	13 April 2016.		Better Law-Making of 13 April 2016.	
Article 26(5)				
273	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 26(6)				
		Amendment 136		
274	6. A delegated act adopted pursuant to Articles 4(7), 5(4), 9(3), 13(3), 20(4), and 21(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.	6. A delegated act adopted pursuant to Articles ~~4(7),~~ ***4(4)***, ***4a(6),*** 5(4), 9(3)***, 9a(3)***, 13(3), 20(4), and 21(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	6. A delegated act adopted pursuant to Articles ~~4(7), 5(4), 9(3), 13(3), 20(4), and 21(3)~~**4(4), 9(4) , and 20(4)** 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		initiative of the European Parliament or of the Council.		
Article 27				
275	Article 27 Committee procedure		Article 27 Committee procedure	
Article 27(1)				
276	1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from ships (COSS) established by Regulation (EC) 2099/2002 of the European Parliament and of the Council[1]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. _____ 1. Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).		1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from ships (COSS) established by Regulation (EC) 2099/2002 of the European Parliament and of the Council[1]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. _____ 1. **[1]** Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).	
Article 27(2)				
277				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the Committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides		2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. ~~Where the opinion of the Committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides~~	
Article 27(3)				
278	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.		3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	
Article 28				
279	Article 28 Report and review		Article 28 Report and review	
Article 28(-1)				
		Amendment 137		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Article 28 – paragraph -1 (new)		
279a		***-1. By 1 January 2024, the Commission shall produce a report on the social impact of this Regulation. That report shall include a projection of the impact of this Regulation on employment and training needs up to 2030 and up to 2050.***		
279b			**0. Within one year after the publication of this Regulation, the Commission shall present a report to the European Parliament and to the Council examining the consistency and possible duplication between this Regulation and Regulation (EU) 2015/757. Where appropriate, the report shall be accompanied by a legislative proposal to amend this Regulation or Regulation (EU) 2015/757, with the view to ensure a unique monitoring, reporting and verification system for companies.**	
Article 28(1), introductory part				
		Amendment 138		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
280	1. The Commission shall report to the European Parliament and the Council, by 1 January 2030, the results of an evaluation on the functioning of this Regulation and the evolution of the technologies and market for renewable and low-carbon fuels in maritime transport and its impact on the maritime sector in the Union. The Commission shall consider possible amendments to:	***1. By 1 January 2027, and every five years thereafter,*** the Commission shall report to the European Parliament and the Council, ~~by 1 January 2030,~~ the results of an evaluation on the functioning of this Regulation and the evolution of the technologies and market for renewable and low-carbon fuels in maritime transport and its impact on the maritime sector in the Union. ***That report shall pay particular attention to the contribution of this Regulation to achieving the Union's overall and sector-specific climate targets, as defined under the European Climate Law, to the Union's Renewable energy and Energy efficiency targets. The report shall also evaluate the impact of this Regulation on the functioning of the single market, the maritime sector's competitiveness, transport freight rates and the magnitude of carbon and business leakage. The Commission shall at the same***	1. The Commission shall report to the European Parliament and the Council, by ~~1 January 2030~~**31 December 2027, and every five years thereafter**, the results of an evaluation on the functioning of this Regulation**, on** ~~and~~ the evolution of the technologies and market for renewable and low-carbon fuels**, zero-emission technologies** in maritime transport and **on-shore power supply including at anchorage, and of** its impact on the maritime sector in the Union. The Commission shall consider possible amendments **including but not limited to:** ~~to:~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		time also evaluate the impact of this Regulation on global GHG emissions reduction in the transport sector as well as on the development of global and regional trade flows. The Commission shall consider possible amendments to:		
Article 28(1), point (-a)				
280a			**(0) the geographical and material scope of this Regulation referred to in Article 2;**	
Article 28(1), point (a)				
281	(a) the limit referred to in Article 4(2);		(a) the limit referred to in Article 4(2)**, with the view to fulfilling the objectives set out in Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality**;	
		Amendment 139		
281a		**Article 28 – paragraph 1 – point a a (new)**		
281b		***(aa) the scope of this***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Regulation in terms of:		
281c		***- decreasing the gross tonnage threshold referred to in Article 2(1), to 400 GT;***		
281d		***- expanding the share of energy used by ships in voyage to and from third countries referred to in Article 2 point (c);***		
		Amendment 140		
281e		**Article 28 – paragraph 1 – point a b (new)**		
281f		***(ab) the default values provided in Annex II, based on the most accurate available scientific knowledge and evidence;***		
		Amendment 141		
281g		**Article 28 – paragraph 1 – point a c (new)**		
281h		***(ac) the list of pollutants covered by this Regulation, in particular the possibility to include black carbon (BC) emissions;***		
Article 28(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		Amendment 142		
282	(b) the ship types to which Article 5(1) applies;	(b) ***an extension of*** the ship types to which Article 5(1) applies;	(b) the ship types **and size** to which Article 5(1) applies **and the extension of the obligations referred to in Article 5(1) to ships at anchorage**;	
Article 28(1), point (c)				
283	(c) the exceptions listed in Article 5(3).		(c) the exceptions listed in Article 5(3)**-;**	
		Amendment 143		
283a		**Article 28 – paragraph 1 – point c a (new)**		
283b		***(ca) the methodology specified in Annex I.***		
Article 28(1), point (ca)				
283c			**(d) the accountability of the electricity delivered via on-shore power supply and the well-to-tank emission factor associated to this electricity defined in Annex I;**	
Article 28(1), point (cb)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
283d			**(e) the possibility to include dedicated mechanisms for the most sustainable and innovative fuel technologies with a significant decarbonisation potential, in order to create a clear and predictable legal framework and encourage the market development and deployment of such fuels, such as renewable fuels of non-biological origins;**	
Article 28(1), point (cc)				
283e			**(f) the calculation of the compliance balance for ships requesting to exclude the additional energy due to sailing in ice conditions and/or due to their ice-class set out in Annexes III and IV, and the possible prolongation of these provisions after 31 December 2029.**	
283ee				
Article 28(1), point (cd)				
283f			**2. In the event of the adoption by**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
			the International Maritime Organization of a global low-GHG fuel standard for maritime transport, the Commission shall, without delay and in any event no later than 30 September 2028, present a report to the European Parliament and to the Council. The Commission shall in that report examine that global measure as regards its ambition in light of the objectives of the Paris Agreement and its overall environmental integrity. It shall also examine any issue related to the possible articulation or alignment of this Regulation with that measure, including the need to avoid double coverage of greenhouse gas emissions from maritime transport. Where appropriate, the report shall be accompanied by a legislative proposal to amend this Regulation, consistent with the Union economy-wide greenhouse gas emission commitments, and with the aim of preserving the environmental integrity and effectiveness of the Union climate action.	
		Amendment 144		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
283g		**Article 28 – paragraph 1 a (new)**		
283h		***1a. To ensure a goal-based and technology-neutral approach, this Regulation should be reviewed, and when needed, amended, as new greenhouse gas abatement technologies, such as on-board carbon capture, new renewable and low-carbon fuels and new propulsion methods, such as wind propulsion, become technically and economically mature. The Commission shall continuously evaluate the maturity of different greenhouse gas abatement technologies and present a first review in this regard to the European Parliament and the Council by 1 January 2027.***		
		Amendment 145		
283i		**Article 28 – paragraph 1 b (new)**		
283l		***1b. The Commission shall***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		continuously monitor the quantity of alternative fuels made available to shipping companies in the Union and shall report their findings to the European Parliament and the Council, by 1 January 2027, and every five years thereafter until 2050. If the supply of those fuels fails to meet the demand from shipping companies, required to fulfil the obligations set out in this Regulation, the Commission should propose measures to ensure that maritime fuel suppliers in the Union make available adequate volumes of alternative fuels to shipping companies calling at Union ports.		
		Amendment 146		
283m		**Article 28 – paragraph 1 c (new)**		
283n		***1c. The Commission shall propose amendments to this Regulation in the event that the International Maritime Organization adopts global***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		greenhouse gas intensity limits on an equivalent level to this Regulation, in order to ensure a full alignment with the international agreement.		
		Amendment 147		
283o		**Article 28 – paragraph 1 d (new)**		
283p		***1d. By 1 January 2027, and every fifth year until 2050, the Commission shall report to the European Parliament and the Council the results of a comprehensive evaluation of the aggregated macroeconomic impact of the Fit for 55 legislative package[1a]. That report shall pay particular attention to the effects on the Union's competitiveness, job creation, transport freight rates, household purchasing power and the magnitude of carbon leakage.***		
		[1a] Communication from the Commission (COM(2021)0550), 14 July		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
		2021		
		Amendment 148		
283q		**Article 28 – paragraph 1 e (new)**		
283r		***1e. The Commission shall consider possible amendments to this Regulation with the aim of achieving regulatory simplification. The Commission and the competent authorities shall continuously adapt to best-practice administrative procedures and take all measures to simplify the enforcement of this Regulation, thereby keeping the administrative burden on ship owners, operators, ports and verifiers to a minimum.***		
		Amendment 150		
283s		**Article 28 a (new)**		
283t		***Article 28a Compensatory regulatory reduction***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
283u		***In line with its communication on the "one in, one out" principle, the Commission shall, by 1 January 2024, present proposals offsetting the regulatory burden introduced by this Regulation, through the amendment or repeal of provisions in other Union legislative acts that generate regulatory burdens in the maritime sector.***		
Article 29				
284	Article 29 Amendments to Directive 2009/16/EC		Article 29 Amendments to Directive 2009/16/EC	
Article 29, first paragraph				
285	The following point shall be added to the list set out in Annex IV to Directive 2009/16/EC: '51. The FuelEU certificate of compliance issued under Regulation (EU) xxxx on the use of renewable and low-carbon fuels in maritime transport'.		The following point shall be added to the list set out in Annex IV to Directive 2009/16/EC: '51. The FuelEU ~~certificate~~**document** of compliance issued under Regulation (EU) xxxx on the use of renewable and low-carbon fuels in maritime transport'~~.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
Article 30				
286	Article 30 Entry into force		Article 30 Entry into force	
Article 30, first paragraph				
287	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 1 January 2025.		This Regulation shall enter into force on the twentieth day following that of its publication in the ***Official Journal of the European Union***~~Official Journal of the European Union~~. It shall apply from 1 January 2025**, with the exception of Articles 7 and 8 that shall apply from 31 August 2024**.	
Article 30, second paragraph				
288	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
289	Done at Brussels,		Done at Brussels,	
Formula				
290				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement/comments
	For the European Parliament		For the European Parliament	
Formula				
291	The President		The President	
Formula				
292	For the Council		For the Council	
Formula				
293	The President		The President	

Annexes to the ANNEX

COMMISSION PROPOSAL

COMMISSION PROPOSAL

ANNEX I

METHODOLOGY FOR ESTABLISHING THE GREENHOUSE GAS INTENSITY LIMIT ON THE ENERGY USED ON-BOARD BY A SHIP

For the purpose of calculating the greenhouse gas intensity limit of the energy used on-board a ship, the following formula, referred to as Equation (1) shall apply:

Equation (1)

GHG intensity index	WtT	TtW
$GHG\ intensity\ index\ \left[\frac{gCO2eq}{MJ}\right] =$	$\frac{\sum_i^{n\ fuel} M_i \times CO_{2eq\ WtT,i} \times LCV_i + \sum_k^c E_k \times CO_{2eq\ electricity,k}}{\sum_i^{n\ fuel} M_i \times LCV_i + \sum_k^c E_k}$	$+\frac{\sum_i^{n\ fuel}\sum_j^{m\ engine} M_{i,j} \times \left[\left(1 - \frac{1}{100} C_{engine\ slip\ j}\right) \times \left(CO_{2eq,TtW,j}\right) + \left(\frac{1}{100} C_{engine\ slip\ j} \times CO_{2eq\ TtW,slippage,j}\right)\right]_i}{\sum_i^{n\ fuel} M_i \times LCV_i + \sum_k^i E_k}$

where the following formula is referred to as Equation (2):

$CO_{2eq,TtW,j} = \left(C_{f\ CO_2,j} \times GWP_{CO_2} + C_{f\ CH_4,j} \times GWP_{CH_4} + C_{f\ N_2O,j} \times GWP_{N_2O}\right)_i$ Equation (2)

Term	Explanation
i	Index corresponding to the fuels delivered to the ship in the reference period
j	Index corresponding to the fuel combustion units on board the ship. For the purpose of this Regulation the units considered are the main engine(s), auxiliary engine(s) and fired oil boilers
k	Index corresponding to the connection points (c) where electricity is supplied per connection point.
c	Index corresponding to the number of electrical charging points
m	Index corresponding to the number of energy consumers
$M_{i,j}$	Mass of the specific fuel i oxidised in consumer j [gFuel]
E_k	Electricity delivered to the ship *per* connection point k if more than one [MJ]
$CO_{2eq\ WtT,i}$	WtT GHG emission factor of fuel i [gCO_{2eq}/MJ]
$CO_{2eq\ electricity,k}$	WtT GHG emission factor associated to the electricity delivered to the ship at berth *per* connection point k [gCO_{2eq}/MJ]
LCV_i	Lower Calorific Value of fuel i [MJ/gFuel]
$C_{engine\ slip\ j}$	Engine fuel slippage (non-combusted fuel) coefficient as a percentage of the mass of the fuel i used by combustion unit j [%]
$C_{f\ CO_2,j}, C_{f\ CH_4,j}, C_{f\ N_2O,j}$	TtW GHG emission factors by combusted fuel in combustion unit j [gGHG/gFuel]
$CO_{2eq,TtW,j}$	TtW CO_2 equivalent emissions of combusted fuel i in combustion unit j [gCO_2eq/gFuel] $CO_{2eq,TtW,j} = \left(C_{cf\ CO_2,j} \times GWP_{CO_2} + C_{cf\ CH_4,j} \times GWP_{CH_4} + C_{cf\ N_2O\ j} \times GWP_{N_2O}\right)_i$
$C_{sf\ CO_2,j}, C_{sf\ CH_4,j}, C_{sf\ N_2O,j}$	TtW GHG emissions factors by slipped fuel towards combustion unit j [gGHG/gFuel]
$CO_{2eq,TtWslippage\ ,j}$	TtW CO_2 equivalent emissions of slipped fuel i towards combustion unit j [gCO_2eq/gFuel] $CO_{2eq,TtW\ slippage,j} = \left(C_{sf\ CO_2,j} \times GWP_{CO_2} + C_{sf\ CH_4,j} \times GWP_{CH_4} + C_{sf\ N_2O,j} \times GWP_{N_2O}\right)_i$
$GWP_{CO_2}, GWP_{CH_4}, GWP_{N_2O}$	CO_2, CH_4 , N_2O Global Warming Potential over 100 years

In the case of fossil fuels, the default values in Annex II shall be used.

For the purpose of this regulation the term $\sum_k^c E_k \times CO_{2eq\ electricity,k}$ in the numerator of Equation (1) shall be set to zero.

Method for determining [M_i]

The [M_i] mass of fuel shall be determined using the amount reported in accordance with the framework of the reporting under Regulation (EU) 2015/757 for voyages falling within the scope of this Regulation based on the chosen monitoring methodology by the company.

Method for determining WtT GHG factors

For non-fossil fuels, wherever values different from the default values in Annex II are used, these shall be based on relevant Bunker Delivery Notes (BDNs), for the fuels delivered to the ship in the reference period, for at least equal quantities of fuels as the one determined as being consumed in scope of the regulated journey in accordance with point A.

The WtT GHG ($CO_{2eq\ WtT,i}$) of the fuels (which are not fossils fuels) are established in Directive (EU) 2018/2001. The actual values, contained in the Directive that shall be used for the purpose of this Regulation, in accordance with the methodology, are those without combustion[1]. For those

[1] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'

fuels for which pathways are not included in the Directive and for fossil fuels, the WtT GHG emission factors ($CO_{2eq\ WtT,i}$) default values are contained in Annex II.

Fuel Bunker Delivery Note (BDN)

For the purposes of this regulation, relevant BDNs of fuels used on board shall contain at least the following information:

product identification

- fuel mass [t]
- fuel volume [m^3]
- fuel density [kg/m^3]
- WtT GHG emission factor for CO_2 (carbon factor) [$gCO_2/gFuel$] and for CO_{2eq} [$gCO_{2eq}/gFuel$] and related certificate[2]
- Lower Calorific Value [MJ/g]

BDN Electricity

For the purposes of this regulation, relevant BDNs for electricity delivered to the ship shall contain at least the following information:

- supplier: name, address, telephone, email, representative
- receiving ship: IMO number (MMSI), ship name, ship type, flag, ship representative
- port: name, location (LOCODE), terminal/ berth
- connection point: OPS-SSE connection point, connection point details
- connection time: date/time of commencement/finalisation
- energy supplied: power fraction allocated to supply point (if applicable) [kW], electricity consumption (kWh) for the billing period, peak power information (if available)
- metering

Method for determining TtW GHG factors

The TtW emissions are determined on the basis of the methodology contained in this Annex as provided in Equation (1) and Equation (2)

For the purpose of this Regulation, the TtW GHG emission factors ($CO_{2eq,TtW,j}$) that shall be used to determine the GHG emissions are contained in Annex II. The CO_2 C_f factors shall be the ones established in Regulation (EU) 2015/757 and are reported in the Table for easy reference. For fuels whose factors are not included in the said regulation, default factors as contained in Annex II shall be used.

In accordance with its compliance plan referred to in Article 6 and upon assessment by the verifier, other methods, such as direct CO_{2eq} measurement, laboratory testing, may be used if it enhances the overall accuracy of the calculation.

Method for determining TtW fugitive emissions

Fugitive emissions are emissions caused by the amount of fuel that does not reach the combustion chamber of the combustion unit or that is not consumed by the energy converter because they are uncombusted, vented, or leaked from the system. For the purpose of this Regulation, fugitive emissions are taken into account as a percentage of the mass of the fuel used by the engine. The default values are contained in Annex II.

[2] This value is not required in case of fossil fuels referred to in Annex II. For all other fuels, including blends of fossil fuels, this value should be made available together with a separate certificate identifying the fuel production pathway.

Methods for determining the reward factors linked to substitute sources of energy

In case substitute sources of energy are installed on board, a reward factor for substitute sources of energy can be applied. In case of wind power such reward factor is determined as follow:

Reward factor for substitute sources of energy- WIND (f_{wind})	$\frac{P_{Wind}}{P_{Tot}}$
0,99	0,1
0,97	0,2
0,95	$\geqslant$ 0,3

The ship GHG intensity index is then calculated by multiplying the result of Equation (1) by the reward factor.

Verification and Certification

Fuel Class	WtT	TtW
Fossil	Default values shall be used as provided in Table 1 of this Regulation	MRV Regulation CO_2 carbon factors shall be used for fuels for which such factor is provided For all other emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of laboratory testing or direct emissions measurements
Sustainable Renewable Fuels (Bio Liquids, Bio Gases, e-Fuels)	CO_{2eq} values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of laboratory testing or direct emissions measurements.
Others (including electricity)	CO_{2eq} values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of laboratory testing or direct emissions measurements.

ANNEX II

The emissions factors for fossils fuels contained in this Annex shall be used for the determination of the greenhouse gas intensity index referred to in Annex I of this Regulation.
The emissions factors of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels shall be determined according to the methodologies set out in Annex 5 part C of Directive (EU) 2018/2001.

In the table:
– TBM stands for To Be Measured
– N/A stands for Not Available
– The dash means not applicable

Table 1 – Default factors

1	2	3	4	5	6	7	8	9
	WtT			TtW				
Class / Feedstock	**Pathway name**	$\boldsymbol{LCV}$ $\left[\frac{MJ}{g}\right]$	$\boldsymbol{CO_{2eq\,WtT}}$ $\left[\frac{gCO2eq}{MJ}\right]$	**Energy Converter Class**	$\boldsymbol{C_{f\,CO_2}}$ $\left[\frac{gCO2}{gFuel}\right]$	$\boldsymbol{C_{f\,CH_4}}$ $\left[\frac{gCH_4}{gFuel}\right]$	$\boldsymbol{C_{f\,N_2O}}$ $\left[\frac{gN_2O}{gFuel}\right]$	$\boldsymbol{C_{slip}}$ As % of the mass of the fuel used by the engine
Fossil	HFO ISO 8217 Grades RME to RMK	0,0405	13,5	ALL ICEs Gas Turbine Steam Turbines and Boilers Aux Engines	3,114 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	LSFO	0,0405	13,2, crude 13,7 blend	ALL ICEs Gas Turbine Steam Turbines and Boilers Aux Engines	3,114	0,00005	0,00018	-
	ULSFO	0,0405	13,2	ALL ICEs	3,114	0,00005	0,00018	-
	VLSFO	0,041	13,2	ALL ICEs	3,206 MEPC245 (66) MRV Regulation	0,00005	0,00018	-
	LFO ISO 8217 Grades RMA to RMD	0,041	13,2	ALL ICEs	3,151 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	MDO MGO ISO 8217 Grades DMX to DMB	0,0427	14,4	ALL ICEs	3,206 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-

1	2	3	4	5	6	7	8	9
	WtT			TtW				
	LNG	0,0491	18,5	LNG Otto (dual fuel medium speed)	2,755 MEPC245 (66) Regulation (EU) 2015/757	0	0,00011	3,1
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuel slow speed)				0.2
				LBSI				N/A
	LPG	0,046	7,8	All ICEs	3,03 Buthane 3,00 Propane MEPC245 (66) Regulation (EU) 2015/757	TBM	TBM	
	H2 (natural gas)	0,12	132	Fuel Cells	0	0	-	-
				ICE	0	0	TBM	
	NH3 (natural gas)	0,0186	121	No engine	0	0	TBM	-
	Methanol (natural gas)	0,0199	31,3	All ICEs	1,375 MEPC245 (66) Regulation (EU) 2015/757	TBM	TBM	-
Liquid biofuels	Ethanol E100	0,0268	Ref. to Directive (EU) 2018/2001	All ICEs	1,913 MEPC245 (66) Regulation (EU) 2015/757	TBM	TBM	-
	Bio-diesel Main products / wastes / Feedstock mix	0,0372	Ref. to Directive (EU) 2018/2001	ALL ICEs	2,834	0,00005 TBM	0,00018 TBM	-
	HVO Main products / wastes / Feedstock mix	0,044	Ref. to Directive (EU) 2018/2001	ALL ICEs	3,115	0,00005	0,00018	-
	Bio-LNG Main products / wastes / Feedstock mix	0,05	Ref. to Directive (EU) 2018/2001	LNG Otto (dual fuel medium speed)	2,755 MEPC245 (66), Regulation (EU) 2015/757	0,00005	0,00018	3,1
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuels)				0.2
				LBSI				N/A
Gas biofuels	Bio-H2 Main products / wastes / Feedstock mix	0,12	N/A	Fuel Cells	0	0	0	-
				ICE	0	0	TBM	
Renewable Fuels of non-Biological Origin (RFNBO) - (e- fuels)	e-diesel	0,0427	Ref. to Directive (EU) 2018/2001)	ALL ICEs	3,206 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	e-methanol	0,0199	Ref. to Directive (EU) 2018/2001	All ICEs	1,375 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	e-LNG	0,0491	Ref. to	LNG Otto	2,755	0	0,00011	3.1

1	2	3	4	5	6	7	8	9
	WtT			TtW				
			Directive (EU) 2018/2001	(dual fuel medium speed)	MEPC245 (66) Regulation (EU) 2015/757			
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuels)				0.2
				LBSI				N/A
	e-H2	0,12	3,6	Fuel Cells	0	0	0	-
				ICE	0	0	TBM	
	e-NH3	0,0186	0	No engine	0	N/A	TBM	N/A
Others	Electricity	-	106,3 EU MIX 2020 72 EU MIX 2030	OPS	-	-	-	-

Column 1 identifies the class of the fuels namely Fossils, Liquid Biofuels, Gaseous Biofuels, e-Fuels;

Column 2 identifies the name or the pathway of the relevant fuels within the class. For the Liquid Biofuels, Gaseous Biofuels, RFNBO (e-Fuels) the values for the WtT section shall be taken from Directive (EU) 2018/2001 (without combustion[3]); for fossils fuels only the default values in the table shall be used.

Column 3 contains the Lower Calorific Value of the fuels expressed in [MJ/g].

Column 4 contains the CO_{2eq} emissions values in [gCO_{2eq}/MJ]. For fossils fuels only the default values in the table shall be used. For all other fuels, (except were expressly indicated), values shall be calculated by using the methodology or the default values as per in Directive (EU) 2018/2001 deducted of the combustion emissions considering full oxidation of the fuel[4].

Column 5 identifies the main types/classes of energy converters such as 2 and 4 strokes Internal Combustion Engines (ICE) Diesel or Otto cycle, gas turbines, fuels cells etc.

Column 6 contains the emission factor C_f for CO_2 in [gCO_2/gfuel]. Emissions factors values as specified in the Regulation (EU) 2015/757 (or IMO MEPC245 (66) as amended) shall be used. For all those fuels not contained in Regulation (EU) 2015/757, the default values contained in the table should be used. Values certified by a by a trusted certifier (under the relevant provisions made in Directive (EU) 2018/2001) can be used in place of the default values.

Column 7 contains the emission factor C_f for methane in [gCH_4/gfuel]. Default values as contained in the table shall be used. Values certified by mean of testing can be used in place of the default values. For LNG fuels C_f for methane are set to zero.

---

[3] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'.

[4] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'

Column 8 contains the emission factor C_f for nitrous oxide in [gN_2O/gfuel]. Default values as contained in the table shall be used. Values certified by mean of testing can be used in place of the default values.

Column 9 identifies the part of fuel lost as fugitive emissions (C_{slip}) measure as % of mass of fuel used by the specific energy converter. Default values as contained in the table shall be used. Values certified by mean of testing can be used in place of the default values. For fuels such as LNG for which the fugitive emissions (slip) exists, the amount of fugitive emissions as presented in Table 1 is expressed in % of the mass of fuel used (Column 9). The values contained in Column 9 shall be used, in accordance with equation (1). The values of C_{slip} in Table (1) are calculated at 50% of the engine load.

ANNEX III

CRITERIA FOR THE USE OF ZERO-EMISSION TECHNOLOGY AS REFERRED TO IN ARTICLES 5(3)(b) and 7(3), points (d) and (f)

The following table provides a list of zero-emission technologies as referred to in Article 5(3)(b), as well as, specific criteria for their use as applicable.

Zero-emission technology	**Criteria for use**
Fuel cells	Fuel cells used on board for power generation while at berth should be fully powered by renewable and low carbon fuels.
On-board Electricity Storage	The use of on-board electricity storage is allowed irrespective on the source of energy that produced the stored power (on-board generation or on-shore in case of battery swapping).
On-board Electricity production from wind and solar energy	Any ship that is capable to sustain energy needs at berth through the use of wind and solar energy.

The use of these zero-emission technologies shall continuously achieve emissions that are equivalent to the emissions reductions that would be achieved by using on-shore power supply.

ANNEX IV

CERTIFICATE TO BE ISSUED BY THE MANAGING BODY OF THE PORT OF CALL IN CASES WHERE SHIPS CANNOT MAKE USE OF OPS FOR JUSTIFIED REASONS (ARTICLE 5(5)) - MINIMUM ELEMENTS TO BE INCLUDED IN THE CERTIFICATE

For the purposes of this Regulation, the certificate referred to in Article 5(5) shall contain at least the following information:

Ship identification

(a) IMO number
(b) Ship name
(c) Call sign
(d) Ship type
(e) Flag

(2) Port of call

Location/terminal name

Arrival date and time (ATA)

Departure date and time (ATD)

The confirmation from the managing body of the port that the ship was found among any of the following cases:

the ship made an unscheduled port call for reasons of safety or saving life at sea (Article 5(2), point (c))

– the ship was unable to connect to on-shore power supply due to unavailable connection points in the port (Article 5(2), point (d))
– the on-shore power supply equipment on board was found to be incompatible with the shore installation at the port (Article 5(2), point (e))
– that the ship used, for a limited period of time on-board energy generation, under emergency situations representing immediate risk to life, the ship, or the environment (Article 5(2), point (f)).

Details of the managing body of the port

Name

contact (phone, email)

Date of issue

ANNEX V

– FORMULAS FOR CALCULATING THE COMPLIANCE BALANCE AND PENALTY LAID DOWN IN ARTICLE 20(1)

Formula for calculating the ship's compliance balance

For the purpose of calculating the compliance balance of a ship the following formula shall apply:

Compliance balance [gCO_{2eq}/MJ] =	$(GHGIE_{target} - GHGIE_{actual}) \times [\sum_i^{n\ fuel} M_i \times LCV_i + \sum_i^{l} E_i]$

Where:

gCO_{2eq}	Grams of CO_2 equivalent
$GHGIE_{target}$	Greenhouse gas intensity limit of the energy used on-board a ship according to Article 4(2) of this Regulation
$GHGIE_{actual}$	Yearly average of the greenhouse gas intensity of the energy used on-board a ship calculated for the relevant reporting period

Formula for calculating the penalty laid down in Article 20(1)

The amount of the penalty laid down in Article 20(1) shall be calculated as follows:

Penalty =	*(Compliance balance / $GHGIE_{actual}$) x conversion factor from MJ to tonnes of VLSFO (41.0 MJ / kg) x EUR 2400*

–

Amendment 150

Proposal for a regulation
Annex I – equation 1

Text proposed by the Commission

GHG intensity index	WtT	TtW
GHG intensity $index\ \left[\frac{gCO2eq}{MJ}\right] =$	$\frac{\sum_i^{n\ fuel} M_i \times CO_{2eq\ WtT,i} \times LCV_i + \sum_k^c E_k \times CO_{2eq_{electricity,k}}}{\sum_i^{n\ fuel} M_i \times LCV_i + \sum_k^c E_k}$	$+\frac{\sum_i^{n\ fuel}\sum_j^{m\ engine} M_{i,j} \times [\left(1-\frac{1}{100}C_{engine\ slip\ j}\right)\times (CO_{2eq,TtW,j}) + \left(\frac{1}{100}C_{engine\ slip\ j} \times CO_{2eq\ TtW,slippa}}{\sum_i^{n\ fuel} M_i \times LCV_i + \sum_k^i E_k}$

Amendment

GHG intensity index	WtT	TtW
GHG intensity $index\ \left[\frac{gCO2eq}{MJ}\right] =$	$\frac{\sum_i^{n\ fuel} M_i \times CO_{2eq\ WtT,i} \times LCV_i + \sum_k^c E_k \times CO_{2eq_{electricity,k}}}{\sum_i^{n\ fuel} M_i \times LCV_i [\boldsymbol{MULT_i}] + \sum_k^c E_k}$	$+\frac{\sum_i^{n\ fuel}\sum_j^{m\ engine} M_{i,j} \times [\left(1-\frac{1}{100}C_{engine\ slip\ j}\right)\times (CO_{2eq,TtW,j}) + \left(\frac{1}{100}C_{engine\ slip\ j} \times CO_{2eq\ TtW,slippa}}{\sum_i^{n\ fuel} M_i \times LCV_i [\boldsymbol{MULT_i}] + \sum_k^i E_k}$

Amendment 151

Proposal for a regulation
Annex I – table 1 – row 6 a (new)

Text proposed by the Commission

Amendment

n fuel	***Number of fuels delivered to the ship in the reference period***

Amendment 152

Proposal for a regulation
Annex I – table 1 – row 12 a (new)

Text proposed by the Commission

Amendment

MULTi	***Multiplier applied to RFNBO fuel***

Amendment 153

Proposal for a regulation
Annex I – table 1 – row 19 a (new)

	Text proposed by the Commission	*Amendment*
Mi,j A		***Adjusted mass of the specific fuel i oxidized in consumer j [gFuel] due to sailing in ice conditions in the case of a ship in ice class IC, IB, IA or IA Super or in an equivalent ice class[1a] and due to technical properties of a ship in ice class IA or IA Super or in an equivalent ice class. The adjusted mass Mi,j A is used in Equation (1) instead of the mass Mi,j when appropriate.***
		[1a] For further information on correspondence between ice classes, see HELCOM Recommendation 25/7 at http://www.helcom.fi.

Amendment 154

Proposal for a regulation
Annex I – paragraph 4 – introductory part

Text proposed by the Commission	*Amendment*
In the case of fossil fuels, the default values in Annex II shall be used.	In the case of fossil fuels, the default values in Annex II shall be used ***unless actual values can be provided by means of certification or direct emissions measurements***.

Amendment 155

Proposal for a regulation
Annex I – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
For the purpose of this regulation the term $\Sigma E_k \times CO_{2eq\ electricity}$, in the numerator of Equation (1) shall be set to zero.	For the purpose of this regulation the term $\Sigma E_k \times CO_{2eq\ electricity}$, in the numerator of Equation (1) shall be set to zero. ***The term MULT in the denominator of Equation (1) shall be set to the value of the RFNBO multiplier as referred to in Article 4a (2) in accordance with Article 9***

	(1 b). For all other fuels, the multiplier shall be set to one.

Amendment 156

Proposal for a regulation
Annex I – paragraph 5

Text proposed by the Commission	*Amendment*
The [M_i] mass of fuel shall be determined using the amount reported in accordance with the framework of the reporting under Regulation (EU) 2015/757 for voyages falling within the scope of this Regulation based on the chosen monitoring methodology by the company.	The mass ***[M_i]*** of fuel shall be determined using the amount reported in accordance with the framework of the reporting under Regulation (EU) 2015/757 for voyages falling within the scope of this Regulation based on the chosen monitoring methodology by the company. ***The adjusted mass of fuel [M_{iA}] may be used instead of the mass of fuel [M_i] for a ship having the ice class IC, IB, IA or IA Super or an equivalent ice class. The adjusted mass [$M_{i\,A}$] is defined in Annex Va.***

Amendment 157

Proposal for a regulation
Annex I – paragraph 12

Text proposed by the Commission	*Amendment*
In accordance with its compliance plan referred to in Article 6 and upon assessment by the verifier, other methods, such as direct CO_{2eq} measurement***,*** ***laboratory testing,*** may be used if it enhances the overall accuracy of the calculation.	In accordance with its compliance plan referred to in Article 6 and upon assessment by the verifier, other methods, such as direct CO_{2eq} measurement may be used if it enhances the overall accuracy of the calculation.

Amendment 158

Proposal for a regulation
Annex I – table

Text proposed by the Commission

Fuels Class	WtT	TtW
Fossil	Default values shall be used as provided in Table 1 of this Regulation	MRV Regulation CO2 carbon factors shall be used for fuels for which such factor is provided For all other emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of ***laboratory testing*** direct emissions measurements
Sustainable Renewable Fuels (Bio Liquids, Bio Gases, e-Fuels)	CO2eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of ***laboratory testing or*** direct emissions measurements.
Others (including electricity)	CO2eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of ***laboratory testing or*** direct emissions measurements.

Amendment

Fuels Class	WtT	TtW
Fossil	Default values shall be used as provided in Table 1 of this Regulation ***unless actual values can be provided by means of certification or direct emissions***	MRV Regulation CO2 carbon factors shall be used for fuels for which such factor is provided For all other emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively

	measurements	Certified values by mean of direct emissions measurements
Sustainable Renewable Fuels (Bio Liquids, Bio Gases, e-Fuels)	CO2eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme ***or direct emissions measurements*** can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of direct emissions measurements.
Others (including electricity)	CO2eq values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively RED II approved certification scheme ***or direct emissions measurements*** can be used	Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively Certified values by mean of direct emissions measurements.

Amendment 159

Proposal for a regulation
Annex II – paragraph 2

Text proposed by the Commission	*Amendment*
The emissions factors of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels shall be determined according to the methodologies set out in Annex 5 part C of Directive (EU) 2018/2001.	The emissions factors of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels shall be determined according to the methodologies set out in Annex 5 part C of Directive (EU) 2018/2001. ***The emission factors for any kind of fuel can alternatively be determined based on actual certified values or values established by means of direct emissions measurements.***

Amendment 160

Proposal for a regulation
Annex II – table

Text proposed by the Commission

Bio-LNG			LNG Otto (dual fuel medium speed)				3,1
Main products / wastes / Feedstock mix	0,05	Ref. to Directive (EU) 2018/2001	LNG Otto (dual fuel slow speed)	2,755 MEPC245 (66), Regulation (EU) 2015/757	***0,00005***	***0,00018***	1,7
			LNG Diesel (dual fuels)				0.2
			LBSI				N/A

Amendment

Bio-LNG			LNG Otto (dual fuel medium speed)				3,1
Main products / wastes / Feedstock mix	0,05	Ref. to Directive (EU) 2018/2001	LNG Otto (dual fuel slow speed)	2,755 MEPC245 (66), Regulation (EU) 2015/757	***0***	***0,00011***	1,7
			LNG Diesel (dual fuels)				0.2
			LBSI				N/A

Amendment 161

Proposal for a regulation
Annex II – paragraph 8

Text proposed by the Commission	*Amendment*
Column 4 contains the CO_{2eq} emissions values in [gCO_{2eq}/MJ]. For fossils fuels ***only*** the default values in the table shall be used. For all other fuels, (except were expressly indicated), values shall be calculated by using the methodology or the default values as per in Directive (EU) 2018/2001 deducted of the combustion emissions considering full oxidation of the fuel[33] .	Column 4 contains the CO_{2eq} emissions values in [gCO_{2eq}/MJ]. For fossils fuels the default values in the table shall be used ***unless actual values can be provided by means of certification or direct emissions measurements***. For all other fuels, (except were expressly indicated), values shall be calculated by using the methodology or the default values as per in Directive (EU) 2018/2001 deducted of the combustion emissions considering full oxidation of the fuel[33].
[33] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'	[33] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'

Amendment 162

Proposal for a regulation
Annex III – table – row 4 a (new)

Text proposed by the Commission

Amendment

Any other zero-emission power source	***Any technology that achieves emissions reductions equivalent to or more significant than would be achieved by using on-shore power supply.***

Amendment 163

Proposal for a regulation
Annex V

Text proposed by the Commission

ANNEX V

FORMULAS FOR CALCULATING THE COMPLIANCE BALANCE AND PENALTY LAID DOWN IN ARTICLE 20(1)

Formula for calculating the ship's compliance balance

For the purpose of calculating the compliance balance of a ship the following formula shall apply:

Compliance balance [gCO_{2eq}/MJ] =	$(GHGIE_{target} - GHGIE_{actual}) \times [\sum_{i}^{n\ fuel} \mathbf{M_i} \times \mathbf{LCV_i} + \sum_{i}^{l} \mathbf{E_i}]$

Where:

gCO_{2eq}	Grams of CO_2 equivalent
$GHGIE_{target}$	Greenhouse gas intensity limit of the energy used on-board a ship according to Article 4(2) of this Regulation
$GHGIE_{actual}$	Yearly average of the greenhouse gas intensity of the energy used on-board a ship calculated for the relevant reporting period

Formula for calculating the penalty laid down in Article 20(1)

The amount of the penalty laid down in Article 20(1) shall be calculated as follows:

Penalty =	(Compliance balance / $GHGIE_{actual}$) x conversion factor from MJ to tonnes of VLSFO (41.0 MJ / kg) x EUR 2400

Amendment

ANNEX V

FORMULAS FOR CALCULATING THE COMPLIANCE BALANCE AND ***REMEDIAL***

PENALTY LAID DOWN IN ARTICLE 20(1)

A. Formula for calculating the ship's compliance balance

a) Compliance Balance with respect to greenhouse gas intensity of the ship, in respect to Article 4.2

For the purpose of calculating the compliance balance of a ship the following formula shall apply:

Compliance balance [gCO_{2eq}/MJ] =	$(GHGIE_{target} - GHGIE_{actual}) \times [\sum_{i}^{n\ fuel} \mathbf{M_i} \times \mathbf{LCV_i} + \sum_{i}^{l} \mathbf{E_i}]$

Where:

gCO_{2eq}	Grams of CO_2 equivalent
$GHGIE_{target}$	Greenhouse gas intensity limit of the energy used on-board a ship according to Article 4(2) of this Regulation
$GHGIE_{actual}$	Yearly average of the greenhouse gas intensity of the energy used on-board a ship calculated for the relevant reporting period

b) Compliance Balance with respect to RFNBO quota, in respect to Article 4a (3)

CB_RFNBO [% RFNBO] =	***(% $RFNBO_{quota}$ - % $RFNBO_{actual}$)***

Where :

CB_RFNBO	***Compliance Balance with respect to $RFNBO_{quota}$, in respect to Article 4a(3)***
% $RFNBO_{quota}$	***$RFNBO_{quota}$ of the yearly average energy used on-board a ship according to Article 4a(3) of this Regulation***
% $RFNBO_{actual}$	***Percentage of the yearly average energy used on-board reported by a ship that is actually met with RFNBOs compliant with Article 9(1)(b)***

B. Formula for calculating the penalty laid down in Article 20(1)

a) Remedial Penalty with respect to compliance balance for greenhouse gas intensity of the ship, in respect to Article 4.2

The amount of the penalty laid down in Article 20(1) shall be calculated as follows:

Penalty =	(Compliance balance / $GHGIE_{actual}$) x conversion factor from MJ to tonnes of VLSFO (41.0 MJ / kg) x EUR 2400

b) Remedial Penalty with respect to RFNBO quota, with respect to Article 4a(3)

The amount of the remedial penalty laid down in Article 20(1a) shall be calculated as follows:

Remedial Penalty (RFNBO) =	***abs(CB_RFNBO) x Pd x 3***

Where:

Remedial Penalty	***in EUR***
abs(CB_RFNBO)	***Is the absolute value of the compliance balance for RFNBO***

Pd	***Price difference between RFNBOs and fossil fuel compatible with ship installation***

Amendment 164

Proposal for a regulation
Annex V a (new)

Text proposed by the Commission

Amendment

ANNEX Va

CALCULATION OF ADJUSTED MASS OF FUEL AND OF ADDITIONAL ENERGY

First, this Annex describes how to calculate the adjusted mass of fuel using the additional energy due to technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class[1a] and the additional energy used by a ship in ice class IC, IB, IA or IA Super or in an equivalent ice class due to sailing in ice conditions. Second, it describes how to calculate the additional energies.

Adjusted mass [Mj A]

The [Mi A] adjusted mass of fuel shall be calculated on the basis of the additional energy used for sailing in ice conditions and the additional energy used due to technical properties of a ship in ice class IA or IA Super or in an equivalent ice class. The company may choose to which fuel i the additional energy is allocated. The selected fuel i must be one of the fuels that the ship has consumed during the reporting period. The amount of the energy corresponding to the consumed mass of the fuel i may be lower than the amount of the additional energy.

The [Mi A] adjusted mass of fuel i shall be calculated as follows

$$M_{i\,A} = M_{i\,total} - M_{i\,additional\ due\ to\ ice\ class} - M_{i\,additional\ due\ to\ ice\ conditions}, \quad (Ax.1)$$

where Mi total denotes the total mass of fuel i, Mi additional due to ice class the mass of fuel due to additional energy consumption of a ship in ice class IA or IA Super or in an equivalent ice class and Mi additional due to ice conditions the mass of fuel due to additional energy consumption due to sailing in ice conditions.

The mass of fuel i representing the additional energy consumption due to technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class is calculated with

$$M_{i\,additional\ due\ to\ ice\ class} = \frac{E_{additional\ due\ to\ ice\ class}}{LCV_i}, \quad (Ax.2)$$

where Eadditional due to ice class is the additional energy consumption due to the technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class and LCVi is the lower caloric value of the fuel i.

Similarly, the mass of fuel due to additional energy consumption due to sailing in ice conditions is calculated using

$$M_{i\ additional\ due\ to\ ice\ conditions} = \frac{E_{additional\ due\ to\ ice\ conditions}}{LCV_i}, \qquad (Ax.3)$$

where Eadditional due to ice conditions is the additional energy consumption due to sailing in ice conditions.

Additional energy due to ice class and due to sailing in ice conditions

The additional energy consumption due to the technical characteristics of a ship in ice class IA or IA Super or in an equivalent ice class shall be calculated as follows

$$E_{additional\ due\ to\ ice\ class} = 0.05 \times \left(E_{voyages,\ total} - E_{additional\ due\ to\ ice\ conditions}\right), \quad (Ax.4)$$

where Evoyages, total denotes the total energy consumed for all voyages and Eadditional due to ice conditions additional energy consumption due to sailing in ice conditions.

The total energy consumed for all voyages shall be calculated using

$$E_{voyages,\ total} = \sum_{i=1}^{n\ fuel} M_{i,\ voyages,\ total} \times LCV_i + E_{elect.,\ voyages,\ total}, \quad (Ax.5)$$

where Mi, voyages, total denotes the mass of fuel i consumed for all voyages within the scope of this Regulation, LCVi the lower caloric value of fuel i and E elect., voyages, total the amount of the electricity delivered to the ship consumed for all voyages.

The mass of fuel i Mi, voyages, total consumed for all voyages within the scope of this Regulation is calculated with

$$M_{i,voyages,total} = M_{i,voyages\ between\ MS} + 0.5 \cdot \left(M_{i,voyages\ from\ MS} + M_{i,voyages\ to\ MS}\right), \quad (Ax.6)$$

where Mi, voyages between MS denotes the aggregated mass of fuel consumed during all voyages between ports under a Member State's jurisdiction, Mi, voyages from MS the aggregated mass of fuel consumed during all voyages which departed from ports under a Member State's jurisdiction and Mi, voyages to MS the aggregated mass of fuel consumed during voyages to ports under a Member State's jurisdiction. The consumed amount of the electricity delivered to the ship E elect., voyages total can be calculated in the same way.

The additional energy consumption due to sailing in ice conditions e calculated as follows

$$E_{additional\ due\ to\ ice\ conditions} = E_{voyages,\ total} - E_{voyages,\ open\ water} - E_{voyages,\ ice\ conditions,\ adjusted}, \qquad (Ax.7)$$

where E voyages, open water denotes the energy consumed on voyages in open water and Evoyages, ice conditions, adjusted the adjusted energy consumed in ice conditions.

The energy consumed for voyages that include sailing in open water only e calculated as follows

$$E_{voyages,\ open\ water} = E_{voyages,\ total} - E_{voyages,\ ice\ conditions} \qquad (Ax.8)$$

where Evoyages, ice conditions denotes energy consumed for sailing in ice conditions, which is calculated as follows

$$E_{voyages,\ ice\ conditions} = \sum_{i=1}^{n\ fuel} M_{i,voyages,\ ice\ conditions} \times LCV_i + E_{elect.,\ ice\ conditions} \quad (Ax.9)$$

where Mi, voyages, ice conditions denotes the mass of fuel i consumed for sailing in ice conditions and E elect., voyages, total denotes the amount of the electricity delivered to the

ship consumed when sailing in ice conditions.

The mass of fuel i consumed for sailing in ice conditions is defined as follows

$$M_{i,\ voyages,\ ice\ cond.} = M_{i,voyages\ between\ MS,ice\ cond.} + 0.5 \cdot \left(M_{i,voyages\ from\ MS,ice\ cond.} + M_{i,voyages\ to\ MS,ice\ cond.}\right), \quad (Ax.10)$$

where Mi, voyages between MS, ice cond. denotes the aggregated mass of fuel consumed by an ice class ship when sailing in ice conditions between ports under a Member State's jurisdiction, Mi, voyages from MS the aggregated mass of fuel consumed by an ice class ship when sailing in ice conditions during all voyages which departed from ports under a Member State's jurisdiction and Mi, voyages to MS the aggregated mass of fuel consumed by an ice class ship when sailing in ice conditions during voyages to ports under a Member State's jurisdiction. The consumed amount of the electricity delivered to the ship E ice conditions can be calculated in the same way.

The adjusted energy consumed in ice conditions shall be calculated using

1)

$$E_{voyages,\ ice\ conditions,\ adjusted} = D_{ice\ conditions} \times \left(\frac{E}{D}\right)_{open\ water} \quad (Ax.1$$

with the distance travelled when sailing in ice conditions Dice conditions and energy consumption per distance travelled in open water $\left(\frac{E}{D}\right)_{open\ water}$.

The distance travelled when sailing in ice conditions Dice conditions shall be calculated as follows

$$D_{ice\ cond.} = D_{voyages\ between\ MS,ice\ cond.} + 0.5 \cdot \left(D_{voyages\ from\ MS,ice\ cond.} + D_{voyages\ to\ MS,ice\ cond.}\right), \quad (Ax.12)$$

where D voyages between MS, ice cond. denotes the aggregated distance travelled when sailing in ice conditions between ports under a Member State's jurisdiction, D voyages from MS the aggregated distance when sailing in ice conditions during all voyages which departed from ports under a Member State's jurisdiction and D voyages to MS the aggregated distance when sailing in ice conditions during voyages to ports under a Member State's jurisdiction.

The latter is defined as follows:

$$\left(\frac{E}{D}\right)_{open\ water} = \frac{E_{voyages,\ total} - E_{voyages,\ ice\ conditions}}{D_{total} - D_{ice\ conditions}}, \quad (Ax.13)$$

where E voyages, ice conditions denotes the energy consumption when sailing in ice conditions and D total the total annual distance travelled.

The total annual distance travelled shall be calculated as follows

$$D_{total} = D_{voyages\ between\ MS} + 0.5 \cdot \left(D_{voyages\ from\ MS} + D_{i,voyages\ to\ MS}\right), \quad (Ax.14)$$

where D voyages between MS denotes the aggregated distance travelled between ports under a Member State's jurisdiction, D voyages from MS the aggregated distance travelled during all voyages which departed from ports under a Member State's jurisdiction and D voyages to MS the aggregated distance travelled during voyages to ports under a Member State's jurisdiction.

[1a] For further information on correspondence between ice classes, see HELCOM Recommendation 25/7 at http://www.helcom.fi.

ANNEX I

METHODOLOGY FOR ESTABLISHING THE GREENHOUSE GAS INTENSITY ~~LIMIT~~ O~~N~~F THE ENERGY USED ON-BOARD BY A SHIP

For the purpose of calculating the greenhouse gas intensity ~~limit~~ of the energy used on-board by a ship, the following formula, referred to as Equation (1) shall apply:

GHG intensity index	WtT	TtW
$GHG\ intensity\ index\ \left[\frac{gCO2eq}{MJ}\right] =$	$\frac{\sum_i^{n\ fuel} M_i \times CO_{2eq\ WtT,i} \times LCV_i + \sum_k^{\xi} E_k \times CO_{2eq\ electricity,k}}{\sum_i^{n\ fuel} M_i \times LCV_i + \sum_k^{\xi} E_k}$	$+\frac{\sum_i^{n\ fuel}\sum_j^{m\ engine} M_{i,j} \times [\left(1 - \frac{1}{100} C_{\sout{engine\ slip\ j}}\right) \times (CO_{2eq,TtW,j}) + (\frac{1}{100} C_{\sout{engine\ slip\ j}} \times CO_{2eq\ TtW,\sout{slip}\underline{engine},j}}{\sum_i^{n\ fuel} M_i \times LCV_i + \sum_k^{l} E_k}$

Equation (1)

where the following formula is referred to as Equation (2):

$$CO_{2eq,TtW,j} = \left(C_{fCO_2,j} \times GWP_{CO_2} + C_{fCH_{4,j}} \times GWP_{CH_4} + C_{fN_2O_{,j}} \times GWP_{N_2O}\right)_i$$ Equation (2)

Term	Explanation
i	Index corresponding to the fuels delivered to the ship in the reporting ~~reference~~ period
j	Index corresponding to the fuel consumer ~~combustion~~ units on board the ship. For the purpose of this Regulation the fuel consumer units considered are the main engine(s), auxiliary engine(s), ~~and fired oil~~ boilers, fuel cells and waste incinerators
k	Index corresponding to the on-shore power supply connection points ~~electrical charging connection points (*c*) where electricity is supplied per connection point~~.
n	Total number of fuels delivered to the ship in the reporting period
c	Total number of on-shore power supply connection points ~~Index corresponding to the number of electrical charging points~~
m	Total number of fuel consumer units ~~Index corresponding to the number of energy fuel consumers~~
$M_{i,j}$	Mass of ~~the specific~~ fuel *i* ~~oxidised in~~ consumed by fuel consumer unit *j* [gFuel]
E_k	Electricity delivered to the ship *per* ~~electrical charging connection~~ on-shore power supply connection point *k* ~~if more than one~~ [MJ]
$CO_{2eqWtT,i}$	WtT GHG emission factor of fuel *i* [gCO_{2eq}/MJ]
$CO_{2eq\ electricity,k}$	WtT GHG emission factor associated to the electricity delivered to the ship at berth *per* ~~electrical charging connection~~ on-shore power supply connection point *k* [gCO_{2eq}/MJ]

LCV_i	Lower Calorific Value of fuel *i* [MJ/gFuel]
$C_{engineslip\,j}$	~~Engine F~~fuel slippage (~~n~~Non-combusted fuel~~)~~ coefficient as a percentage of the mass of the fuel *i* consumed ~~used~~ by ~~combustion~~ fuel consumer unit *j* [%]. C_{slip} includes fugitive ~~emissions (emissions before the "engine")~~ and slipped emissions~~.~~
$C_{fCO_2,j}, C_{fCH_4,j}, C_{fN_2}$	TtW GHG emission factors by combusted fuel in fuel consumer ~~combustion~~ unit *j* [gGHG/gFuel]
$CO_{2eq,TtW,j}$	TtW CO_2 equivalent emissions of combusted fuel *i* in fuel consumer ~~combustion~~ unit *j* [gCO_2eq/gFuel] $CO_{2eq,TtW,j} = \left(C_{cfCO_2,j} \times GWP_{CO_2} + C_{cfCH_{4,j}} \times GWP_{CH_4} + C_{cfN_2O_{,j}} \times GWP_{N_2O}\right)_i$
$C_{sfCO_2,j}, C_{sfCH_4,j}, C_s$	TtW GHG emission factors by slipped fuel towards ~~combustion~~ fuel consumer unit *j* [gGHG/gFuel]
$CO_{2eq,TtWslippage,j}$	TtW CO_2 equivalent emissions of slipped fuel *i* towards fuel consumer ~~combustion~~ unit *j* [gCO_2eq/gFuel] $CO_{2eq,TtWslippage,j} = \left(C_{sfCO_2,j} \times GWP_{CO_2} + C_{sfCH_{4,j}} \times GWP_{CH_4} + C_{sfN_2O_{,j}} \times GWP_{N_2O}\right)_i$ **where: $C_{sf\,CO2,}$ and $C_{sf\,N2O,}$ are set to zero.**
$GWP_{CO_2}, GWP_{CH_4}, ($	CO_2, CH_4 , N_2O Global Warming Potential over 100 years, which are: ~~$GWP_{CO_2} = 1$; $GWP_{CH_4} = 29{,}8$; $GWP_{N_2O} = 273$~~defined in Directive (EU) 2018/2001, Paragraph 4 of Part C of Annex V

~~In the case of fossil fuels, the default values in Annex II shall be used.~~

For the purpose of this regulation the term $\sum_k^c E_k \times CO_{2eq}{}_{electricity,k}$ in the numerator of Equation (1) shall be set to zero.

Method for determining [M_i]

The [M_i] mass of fuel shall be determined using the amount reported in accordance with the framework of the reporting under Regulation (EU) 2015/757 for voyages falling within the scope of this Regulation based on the chosen monitoring methodology by the company.

Method for determining WtT GHG emission factors

The WtT emissions are determined on the basis of the methodology contained in this Annex as provided in Equation (1).

The WtT GHG emission factors ($CO_{2eqWtT,i}$) default values are contained in Annex II.

In the case of fossil fuels, only the default values in Annex II shall be used.

Actual values may be used provided that they are certified, under a scheme that is recognised by the Commission in accordance with Article 30(5) and (6) of the Directive (EU) 2018/2001

for **biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels, in application of Article 9(3).**

~~For non-fossil fuels, wherever values different from the default values in Annex II are used, these shall be based on relevant Bunker Delivery Notes (BDNs), for the fuels delivered to the ship in the reference period, for at least equal quantities of fuels as the one determined as being consumed in scope of the regulated journey in accordance with point A.~~

~~The WtT GHG ($CO_{2eqWtT,i}$) of the fuels (which are not fossils fuels) are established in Directive (EU) 2018/2001. The actual values, contained in the Directive that shall be used for the purpose of this Regulation, in accordance with the methodology, are those without combustion[5]. For those fuels for which pathways are not included in the Directive and for fossil fuels, the WtT GHG emission factors ($CO_{2eqWtT,i}$) default values are contained in Annex II.~~

Fuel Bunker Delivery Note (BDN)

Under existing MARPOL Annex VI regulations, the BDN is mandatory and information to be included in the bunker delivery note is specified.

For the purposes of this regulation:

1) BDNs including fuels other than fossil fuels used on board shall be complemented with the following information regarding those fuels:

- Lower Calorific Value [MJ/g].
- For biofuels, *E* values as established in accordance with the methodologies laid down in Directive (EU) 2018/2001, Part C of Annex V and Part B of Annex VI [gCO2eq/MJ] and related evidence of compliance with the rules set out in that Directive for those fuels, identifying the fuel production pathway,
- For fuels other than fossil fuels and biofuels, WtT GHG emission factor CO2eq [gCO2eq/gFuelMJ] and related certificate identifying the fuel production pathway,

2. [In case of product blending, information required by this regulation shall be given for each product].

~~BDN~~ Electricity Delivery Note (EDN)

For the purposes of this regulation, relevant E~~B~~DNs for electricity delivered to the ship shall contain at least the following information:

~~[5] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'~~

1. supplier: name, address, telephone, email, representative
2. receiving ship: IMO number (MMSI), ship name, ship type, flag, ship representative
3. port: name, location (LOCODE), terminal/ berth
4. on-shore power supply connection ~~connection electrical charging~~ point: ~~OPS SSE connection point,~~ connection point details
5. on-shore power supply ~~connection electrical charging~~ time: date/time of commencement/finalisation
6. energy supplied: power fraction allocated to supply point (if applicable) [kW], electricity consumption (kWh) for the billing period, peak power information (if available)
7. metering

Method for determining TtW GHG emission factors

The TtW emissions are determined on the basis of the methodology contained in this Annex as provided in Equation (1) and Equation (2)

The TtW GHG emission factors ($CO_{2eq,TtW,j}$) default values are contained in Annex II.

In accordance with its monitoring plan referred to in Article 7 and upon assessment by the verifier, other methods, such as direct CO_{2eq} measurement, laboratory testing, may be used if it enhances the overall accuracy of the calculation, in application of Article 9(4).

~~For the purpose of this Regulation, the TtW GHG emission factors ($CO_{2eq,TtW,j}$) that shall be used to determine the GHG emissions are contained in Annex II. The CO_2 C_f factors shall be the ones established in Regulation (EU) 2015/757 and are reported in the Table for easy reference. For fuels whose factors are not included in the said regulation, default factors as contained in Annex II shall be used.~~

~~In accordance with its compliance plan referred to in Article 6~~ 7~~and upon assessment by the verifier, other methods, such as direct CO_{2eq} measurement, laboratory testing, may be used if it enhances the overall accuracy of the calculation.~~

Method for determining TtW fugitive and slipped emissions

Fugitive and slipped emissions are emissions caused by the amount of fuel that does not reach the combustion chamber of the combustion unit or that is not consumed by the ~~energy converter~~ fuel consumer unit because they are uncombusted, vented, or leaked from the system. For the purpose of this Regulation, fugitive and slipped emissions are taken into account as a percentage of the mass of the fuel used by the fuel consumer unit ~~engine~~. The default values are contained in Annex II.

Methods for determining the reward factors linked to substitute sources of energy

In case substitute sources of energy are installed on board, a reward factor for substitute sources of energy can be applied. In case of wind power such reward factor is determined as follow:

Reward factor for substitute sources of energy- WIND (f_{wind})	$\frac{P_{Wind}}{P_{Prop}}$

0,99	0,05~~1~~
0,97	0,1~~2~~
0,95	⩾ 0,15~~3~~

Where**:**

- **P_{Wind} is the available effective power of the wind assisted propulsion systems and corresponds to f_{eff} * P_{eff} as calculated in accordance with the *2021 guidelines on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI and EEXI* (MEPC.1/Circ.896);**
- **P_{Prop} is the propulsion power of the ship and corresponds to P_{ME} as defined in the *2018 guidelines on the method of calculation of the attained energy efficiency design index (EEDI) for new ships* (IMO resolution MEPC.308(73), as amended) and the *2021 guidelines on the method of calculation of the attained energy efficiency existing ships index (EEXI)* (IMO resolution MEPC.333(76)). In case where shaft motor(s) are installed, $P_{Prop} = P_{ME} + P_{PTI(i),shaft}$.**

The ship GHG intensity index is then calculated by multiplying the result of Equation (1) by the reward factor.

~~**1.** Verification and Certification~~

~~Fuel Class~~	~~WtT~~	~~TtW~~
~~Fossil~~	~~Default values shall be used as provided in Table 1 of this Regulation~~	~~MRV Regulation CO_2 carbon factors shall be used for fuels for which such factor is provided~~ ~~For all other emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively~~ ~~Certified values by mean of laboratory testing or direct emissions measurements~~

~~Sustainable Renewable Fuels~~ ~~(Bio Liquids, Bio Gases, e-Fuels)~~	~~CO_{2eq} values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively~~ ~~RED II approved certification scheme can be used~~	~~Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively~~ ~~Certified values by mean of laboratory testing or direct emissions measurements.~~
~~Others (including electricity)~~	~~CO_{2eq} values as provided in RED II (without combustion) can be used for all fuels whose pathways are included in RED II, alternatively~~ ~~RED II approved certification scheme can be used~~	~~Emissions factors, default values can be used as provided in Table 1 of this Regulation, alternatively~~ ~~Certified values by mean of laboratory testing or direct emissions measurements.~~

ANNEX II

DEFAULT EMISSION FACTORS

The default emissions factors contained in the table below shall be used for the determination of the greenhouse gas intensity index referred to in Annex I of this Regulation, except when companies divert from these default emissions factors in application of Article 9(3) and (4).

~~The emissions factors for fossils fuels contained in this Annex shall be used for the determination of the greenhouse gas intensity index referred to in Annex I of this Regulation.~~

~~The emissions factors of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels shall be determined according to the methodologies set out in Annex 5 part C of Directive (EU) 2018/2001.~~

In the table:

- TBM stands for To Be Measured
- N/A stands for Not Available
- The dash means not applicable
- **E is established in accordance with the methodologies laid down in Directive (EU) 2018/2001, Part C of Annex V and Part B of Annex VI**

Where a cell indicates either TBM or N/A, the highest default value of the fuel class in the same column shall be used. Where, for a particular fuel class, all cells in the same column indicate either TBM or N/A, default value of the least favourable fossil fuel pathway shall be used.

~~Table 1 – Default factors~~

1	2	3	4	5	6	7	8	9
			WtT	TtW				
Fuel Class/ ~~Feedstock~~	**Pathway name**	LCV $\left[\frac{MJ}{g}\right]$	$CO_{2eq\,WtT}$ $\left[\frac{gCO2eq}{MJ}\right]$	**~~Energy Converter~~ Fuel Consumer Unit Class**	$C_{f\,CO_2}$ $\left[\frac{gCO2}{gFuel}\right]$	$C_{f\,CH_4}$ $\left[\frac{gCH_4}{gFuel}\right]$	$C_{f\,N_2O}$ $\left[\frac{gN_2O}{gFuel}\right]$	C_{slip} As % of the mass of the fuel used by the engine
Fossil	HFO ISO 8217 Grades RME to RMK	0,0405	13,5	ALL ICEs ~~Gas Turbine~~ ~~Steam Turbines and Boilers~~ ~~Aux Engines~~	3,114 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	0,00005	0,00018	-

1	2	3	4	5	6	7	8	9
			WtT	TtW				
	LSFO	0,0405	13,2 crude 13,7 blend	ALL ICEs ~~Gas Turbine~~ ~~Steam Turbines and Boilers~~ ~~Aux Engines~~	3,151	0,00005	0,00018	-
	ULSFO	0,0405	13,2	ALL ICEs	3,114	0,00005	0,00018	-
	VLSFO	0,041	13,2	ALL ICEs	3,206 ~~MEPC245 (66)~~ ~~MRV Regulation~~	0,00005	0,00018	-
	LFO ISO 8217 Grades RMA to RMD	0,041	13,2	ALL ICEs	3,151 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	0,00005	0,00018	-
	MDO MGO ISO 8217 Grades DMX to DMB	0,0427	14,4	ALL ICEs	3,206 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	0,00005	0,00018	-
	LNG	0,0491	18.5 ~~20.9~~	LNG Otto (dual fuel medium speed)	2,7505 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	0	0,00011	3,1
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuel slow speed)				0.2
				LBSI				N/A

1	2	3	4	5	6	7	8	9
			WtT	TtW				
	LPG	0,046	7,8	ALL~~I~~ ICEs	3,030 Buthane 3,000 Propane ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	TBM	TBM	N/A
	H2 (natural gas)	0,12	132	Fuel Cells	0	0	-	~~N/A~~
				ICE	0	0	TBM	
	NH3 (natural gas)	0,0186	121	No engine	0	0	TBM	-
	Methanol (natural gas)	0,0199	31,3	ALL~~I~~ ICEs	1,375 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	TBM	TBM	-
Liquid biofuels	Ethanol **Production Pathways of Directive (EU) 2018/2001**~~E 100~~	**Value as set out in Annex III of Directive (EU) 2018/2001** ~~0,0268~~ ~~0,0372~~ ~~0,044~~ ~~0,05~~	$E - \frac{C_{fco_2}}{LCV}$ ~~Ref. to Directive (EU) 2018/2001~~	ALL~~I~~ ICEs	1,913 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	TBM	TBM	-
	Bio-diesel **Production Pathways of Directive (EU) 2018/2001** ~~Main products / wastes / Feedstock mix~~			ALL ICEs	2,834	~~0,00005~~ TBM	~~0,00018~~ TBM	-

1	2	3	4	5	6	7	8	9
			WtT	TtW				
	Hydrotreated Vegetable Oil (HVO**)** **Production Pathways of Directive (EU) 2018/2001** ~~Main products / wastes / Feedstock mix~~			ALL ICEs	3,115	0,00005	0,00018	-
	Liquefied Bio-~~LNG~~ methane as transport fuel (Bio-LNG) **Production Pathways of Directive (EU) 2018/2001** ~~Main products / wastes / Feedstock mix~~			LNG Otto (dual fuel medium speed)	2,750~~5~~ ~~MEPC245 (66),~~ ~~Regulation (EU) 2015/757~~	0 ~~0,00005~~	0,00011 ~~0,00018~~	3,1
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuels)				0.2
				LBSI				N/A
	Bio-methanol Production Pathways of Directive (EU) 2018/2001			**ALL ICEs**	1,375	TBM	TBM	**-**
	Other Production Pathways of Directive (EU) 2018/2001			**ALL ICEs**	**3,115**	**0,00005**	**0,00018**	**-**
Gaseous biofuels	Bio-H2 **Production Pathways of Directive (EU) 2018/2001** ~~Main products /~~	**Value as set out in Annex III of Directive (EU) 2018/2001** ~~0,12~~	N/A	Fuel Cells	0	0	0	-
				ICE	0	0	TBM	

1	2	3	4	5	6	7	8	9
			WtT	TtW				
	~~wastes / Feedstock mix~~							
Renewable Fuels of non-Biological Origin (RFNBO) - e- fuels	e-diesel	0,0427	N/A ~~Ref. to Directive (EU) 2018/2001)~~	ALL ICEs	3,206 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	0,00005	0,00018	-
	e-methanol	0,0199	N/A ~~Ref. to Directive (EU) 2018/2001)~~	All ICEs	1,375 ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	0,00005	0,00018	-
	e-LNG	0,0491	N/A ~~Ref. to Directive (EU) 2018/2001)~~	LNG Otto (dual fuel medium speed)	2,750~~5~~ ~~MEPC245 (66)~~ ~~Regulation (EU) 2015/757~~	0	0,00011	3.1
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuels)				0.2
				LBSI				N/A
	e-H2	0,12	N/A ~~3,6~~	Fuel Cells	0	0	0	-
				ICE	0	0	TBM	
	e-NH3	0,0186	N/A ~~0~~	~~Fuel Cells No engine~~	0	N/A	TBM	N/A
				ICE	0	N/A	TBM	N/A
	e-LPG	N/A	N/A		N/A	N/A	N/A	N/A
	E-DME	N/A	N/A		N/A	N/A	N/A	-

1	2	3	4	5	6	7	8	9
			WtT	TtW				
Others	Electricity	-	~~106,3~~ EU ENERGY MIX ~~2020~~ ~~72~~ ~~EU ENERGY MIX 2030~~	On-shore power supply (OPS)	-	-	-	-

Column 1 identifies the class of the fuels namely Fossils, Liquid Biofuels, Gaseous Biofuels, e-Fuels~~;~~.

Column 2 identifies the name or the pathways of the relevant fuels within the class. ~~For the Liquid Biofuels, Gaseous Biofuels, RFNBO (e-Fuels) the values for the WtT section shall be taken from Directive (EU) 2018/2001 (without combustion[6]); for fossils fuels only the default values in the table shall be used.~~

Column 3 contains the Lower Calorific Value of the fuels expressed in [MJ/g]. For liquid biofuels, values of Energy content by weight (lower calorific value, MJ/kg) as set out in Annex III of Directive (EU) 2018/2001 shall be converted in MJ/g and used.

Column 4 **contains the WtT GHG emission factors in [gCO_{2eq}/MJ]. For liquid biofuels, the default values shall be calculated by using the values of *E* established in accordance with the methodologies laid down in Directive (EU) 2018/2001, Part C of Annex V for all liquid biofuels except bio-LNG and Part B of Annex VI for bio-LNG, and on the basis of default values associated to the particular biofuel used as a transport fuel and its production pathway, laid down in that Directive, Part D and E of Annex V for all liquid biofuels except bio-LNG and in Part D of Annex VI for bio-LNG. However, the values of *E* need to be adjusted by subtracting the ratio of the values contained in column 6 (c_{f_CO2}) and column 3 (LCV). This is required in this regulation, which separates the WtT and the TtW calculations, to avoid double counting of emissions.**

~~contains the CO_{2eq} emissions values in [gCO_{2eq}/MJ]. For fossils fuels only the default values in the table shall be used. For all other fuels, (except were expressly indicated), values shall be calculated~~

~~[6] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'.~~

~~by using the methodology or the default values as per in Directive (EU) 2018/2001 deducted of the combustion emissions considering full oxidation of the fuel[7].~~

For RFNBO, default values are to be calculated by using the methodology of the delegated act taken on basis of Article 28(5) of Directive (EU) 2018/2001[8].

Column 5 identifies the main types/classes of ~~energy converter~~ **fuel consumer unit**s such as 2 and 4 strokes Internal Combustion Engines (ICE) Diesel or Otto cycle, **Lean-Burn Spark-Ignited (LBSI) engines,** gas turbines, fuel~~s~~ cells**,** etc.

Column 6 contains the emission factor C_f for CO_2 in [gCO_2/gfuel]. Emission~~s~~ factors values as specified in the Regulation (EU) 2015/757 ~~(or IMO MEPC245 (66) as amended)~~ shall be used. For all those fuels not contained in Regulation (EU) 2015/757, the default values ~~contained~~ are specified in the T~~t~~able~~should be used. Values certified by a by an accredited trusted certifier (under the relevant provisions made in Directive (EU) 2018/2001) can be used in place of the default values~~.

Column 7 contains the emission factor C_f for methane in [gCH_4/gfuel]. ~~Default values as contained in the table shall be used. Values certified by an accredited certifier mean of testing can be used in place of the default values.~~ For LNG fuels, C_f for methane are set to zero.

Column 8 contains the emission factor C_f for nitrous oxide in [gN_2O/gfuel]. ~~Default values as contained in the table shall be used. Values certified by an accredited certifier mean of testing can be used in place of the default values.~~

Column 9 identifies the part of fuel lost as fugitive and slipped emissions (C_{slip}) measured as % of mass of fuel used by the specific ~~energy converter~~ fuel consumer unit.~~Default values as contained in the table shall be used. Values certified by an accredited certifier mean of testing can be used in place of the default values.~~ For fuels such as LNG for which the fugitive and slipped emissions ~~(slip)~~ exist~~s~~, the amount of fugitive and slipped emissions as presented in the Table ~~1~~ is expressed in % of the mass of fuel used (Column 9~~). The values contained in Column 9 shall be used, in accordance with equation (1).~~ The values of C_{slip} in the Table ~~(1)~~ are calculated at 50% of the full engine load.

~~[7] Reference is made to Directive (EU) 2018/2001, Annex V.C.1.(a) to the term e_u 'emissions from the fuel in use'~~

[8] **Or on basis of the corresponding provisions in the amended Directive, according to the progress of the co-legislators.**

~~ANNEX III~~

– ~~CRITERIA FOR THE USE OF ZERO-EMISSION TECHNOLOGY AS REFERRED TO IN ARTICLES 5(3)(b) and 7(3), points (d) and (f)~~

~~The following table provides a list of zero-emission technologies as referred to in Article 5(3)(b), as well as, specific criteria for their use as applicable.~~

~~Zero-emission technology~~	~~Criteria for use~~
~~Fuel cells~~	~~Fuel cells used on board for power generation while at berth should be fully powered by renewable and low carbon fuels.~~
~~On-board Electricity Storage~~	~~The use of on-board electricity storage is allowed irrespective on the source of energy that produced the stored power (on-board generation or on-shore in case of battery swapping).~~
~~On-board Electricity production from wind and solar energy~~	~~Any ship that is capable to sustain energy electricity production needs power demand at berth through the use of wind and solar energy.~~

~~The use of these zero-emission technologies shall continuously achieve emissions that are equivalent to the emissions reductions that would be achieved by using on-shore power supply.~~

~~ANNEX IV~~

~~CERTIFICATE TO BE ISSUED BY THE MANAGING BODY OF THE PORT OF CALL IN CASES WHERE SHIPS CANNOT MAKE USE OF OPS FOR JUSTIFIED REASONS (ARTICLE 5(5)) - MINIMUM ELEMENTS TO BE INCLUDED IN THE CERTIFICATE~~

~~For the purposes of this Regulation, the certificate referred to in Article 5(5) shall contain at least the following information:~~

(1) ~~Ship identification~~
(a) ~~IMO number~~
(b) ~~Ship name~~
(c) ~~Call sign~~
(d) ~~Ship type~~
(e) ~~Flag~~
(2) ~~Port of call~~
(3) ~~Location/terminal name~~
(4) ~~Arrival date and time (ATA)~~
(5) ~~Departure date and time (ATD)~~

~~The confirmation from the managing body of the port that the ship was found among any of the following cases:~~

- ~~the ship made an unscheduled port call for reasons of safety or saving life at sea (Article 5(2 3), point (c))~~
- ~~the ship was unable to connect to on-shore power supply due to unavailable connection points in the port (Article 5(2 3), point (d))~~
- ~~the on-shore power supply equipment on board was found to be incompatible with the shore installation at the port (Article 5(2 3), point (e))~~
- ~~that the ship used, for a limited period of time on board energy generation, under emergency situations representing immediate risk to life, the ship, or the environment (Article 5(2 3), point (f)).~~

(6) ~~Details of the managing body of the port~~
(a) ~~Name~~
(b) ~~contact (phone, email)~~
(7) ~~Date of issue~~

ANNEX ~~V~~ III

FORMULAS FOR CALCULATING THE COMPLIANCE BALANCE AND REMEDIAL PENALTY LAID DOWN IN ARTICLE 20(1bis)

A. FORMULA FOR CALCULATING THE SHIP'S COMPLIANCE BALANCE

For the purpose of calculating the compliance balance of a ship the following formula shall apply:

Compliance balance [gCO_{2eq}/~~MJ~~] =	$(GHGIE_{target} - GHGIE_{actual}) \times [\sum_i^{nfuel} M_i \times LCV_i + \sum_i^l E_i]$

Where:

gCO_{2eq}	~~Grams of CO_2 equivalent~~
$GHGIE_{target}$	Greenhouse gas intensity limit of the energy used on-board a ship according to Article 4(2) of this Regulation
$GHGIE_{actual}$	Yearly average of the greenhouse gas intensity of the energy used on-board a ship calculated for the relevant reporting period

Until 31 December 2029, for any ship having the ice-class IC, IB, IA or IA Super or an equivalent ice class, the company may requests to exclude the additional energy due to sailing in ice conditions and/or due to ice class IA or IA Super. In this case, for the calculation of the compliance balance above, the values of Mi shall be replaced by the adjusted mass of fuel MiA defined in Annex IV and the value of $GHGIE_{actual}$ to be used for calculating the compliance balance shall be recalculated with the corresponding values of MiA.

B. FORMULA FOR CALCULATING THE REMEDIAL PENALTY LAID DOWN IN ARTICLE 20(1BIS)

The amount of the remedial penalty laid down in Article 20(1bis) shall be calculated as follows:

Remedial Penalty =	~~*Compliance balance /* GHGIE$_{actual}$~~) ~~*x conversion factor from MJ to tonnes of VLSFO (41.0 MJ / kg) x EUR 2400*~~ $\frac{\lvert(Compliancebalance)\rvert}{GHGIE_{actual} \times 41000} \times 2400$

1. Remedial Penalty	**2.** Is in EUR
3. abs(Compliance balance)	**4.** Is the absolute value of the compliance balance
5. 41000	**6.** Is 1 metric ton of VLSFO that is equivalent to 41000 MJ
7. 2400	**8.** Is the amount to be paid in EUR per equivalent metric ton of VLSFO

ANNEX IV

CALCULATION OF ADJUSTED MASS OF FUEL FOR ICE NAVIGATION

This Annex describes how to calculate:

- **the additional energy due to technical characteristics of a ship having the ice class IA or IA Super or an equivalent ice class**
- **the additional energy used by a ship having the ice class IC, IB, IA or IA Super or an equivalent ice class due to sailing in ice conditions**
- **the adjusted mass [Mi A] after the deduction of the additional energy, allocated to each fuel i**

Additional energy due to ice class

The additional energy consumption due to the technical characteristics of a ship having the ice class IA or IA Super or an equivalent ice class is calculated as follows :

$$E_{additional\ due\ to\ ice\ class} = 0.05 \times (E_{voyages,\ total} - E_{additional\ due\ to\ ice\ conditions})$$

where *Evoyages, total* denotes the total energy consumed for all voyages and *Eadditional due to ice conditions* additional energy consumption due to sailing in ice conditions.

The total energy consumed for all voyages is calculated using :

$$E_{voyages,\ total} = \Sigma M_{i,\ voyages,\ total} \times LCV_i$$

where $M_{i,\ voyages,\ total}$ denotes the mass of fuel *i* consumed for all voyages within the scope of the reg-ulation, *LCVi* the lower calorific value of fuel *i*.

Additional energy due to sailing in ice conditions

The additional energy consumption due to sailing in ice conditions is calculated as follows :

$$E_{additional\ due\ to\ ice\ conditions} = E_{voyages,\ total} - E_{voyages,\ open\ water} - E_{voyages,\ ice\ conditions,\ adjusted}$$

where *E voyages, open water* denotes the energy consumed on voyages in open water and *Evoyages, ice conditions, adjusted* the adjusted energy consumed in ice conditions.
$E_{additional\ due\ to\ ice\ conditions}$ cannot be higher than 1,3* $E_{voyages,\ open\ water}$

The energy consumed for voyages that include sailing in open water only is calculates as follows:

$$E_{voyages,\ open\ water} = E_{voyages,\ total} - E_{voyages,\ ice\ conditions}$$

where *Evoyages, ice conditions* denotes energy consumed for sailing in ice conditions, which is calculated as follows :

$$E_{voyages,\ ice\ conditions} = \Sigma M_{ivoyages,\ ice\ conditions} \times LCV_i$$

where *Mi, voyages, ice conditions* denotes the mass of fuel *i* consumed for sailing in ice conditions.

The adjusted energy consumed in ice conditions is calculated as follows:

$$E_{voyages,\ ice\ conditions,\ adjusted} = D_{ice\ conditions} \times (E/D)_{open\ water}$$

Where:
***Dice conditions* denotes the aggregated distance travelled when sailing in ice conditions within the scope of the regulation.**
$(E/D)_{open\ water}$ is the energy consumption per distance travelled in open water calculated as follows:

$$(E/D)_{open\ water} = (E_{voyages,\ total} - E_{voyages,\ ice\ conditions}) / (D_{total} - D_{ice\ conditions})$$

Where:
***E voyages, ice conditions* denotes the energy consumption when sailing in ice conditions and *D total* is the aggregated annual distance travelled within the scope of the regulation.**

Total additional ice energy due to ice class and sailing in ice conditions

$$E_{additional\ ice} = E_{additional\ due\ to\ ice\ class} + E_{additional\ due\ to\ ice\ conditions}$$

Adjusted mass [*Mi A*]

The company shall allocate the total additional ice energy $E_{i\ additional\ ice}$ to the different fuels i used during the year, with the following conditions:

$$\Sigma E_{i\ additional\ ice} = E_{additional\ ice}$$

For each fuel i, $E_{i\ additional\ ice} <= Mi * LCVi$

The [*Mi A*] adjusted mass of fuel is calculated as follows :

$$M_{i\ A} = M_i - E_{i\ additional\ ice} / LCVi$$