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REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. prev. doc.:	6815/1/23 REV 1 COR 1
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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 <ul style="list-style-type: none">• Analysis of the final compromise text with a view to agreement

Delegations' attention is drawn to the following main corrections¹ in document ST 8164/23 INIT:

Cover page

- in the cover page, point 7, a) and b) any reference to “Annex I” should be replaced by “Annex”;

¹ Please note that ST 8164/23 INIT may still contain typos/misspelled words/incorrect numbering or references that will be corrected during the lawyer-linguistic phase.

Annex

- recital (5f) should read as follows: “**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 with a view to ease the energy transition costs for these vessels, in order to maintain a level playing field. To that purpose, companies should be temporarily allowed to apply a limited adjusted amount of energy used on-board for ice-classed ships. In addition, for a limited period of time, the present Regulation allows a share of the additional energy used during sailing in ice to be exempted for the specific periods that ice-class vessels face conditions of navigation in ice. To this end a verifiable methodology should be in place that allows correlation between exempted share of energy and actual ice navigation conditions. The Commission should reassess such methodology, 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.**”;
- in Article 3, (ff), footnote 24 should be considered as deleted;
- the indication “**Article 4a**” should precede the provision with the title “*Use of Renewable Fuels of Non-Biological Origin*”;
- in the title of Article 9, footnote 26 should be considered as deleted. Additionally, the title of Article 9 should read as follows: “Certification of ~~biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels~~ **and emission factors**”;
- the first two paragraphs of Article 9 have been wrongly formatted; they should therefore read as follows:
 1. “Where biofuels, biogas, renewable fuels of non-biological 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:

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.**

- in Article 15(1ter), footnote 2 should be considered as deleted;
- in Article 17(4), “[~~FuelEU~~] **penalty**” should read as “**FuelEU penalty**”²;
- in Article 22, the asterisk “*” should be considered as deleted;
- in Article 28(1)(0), footnote 28 should be considered as deleted;
- in Article 28(2), the first sentence should read as follows: “**In the event of the adoption by the International Maritime Organization of a global GHG fuel standard or global greenhouse gas intensity limits for the energy used onboard by ships, ~~for maritime transport,~~ the Commission shall, without delay, present a report to the European Parliament and to the Council.**”;
- In Annex I, the entry “ $CO_{2eq,TtWi,j}$ ” should be displayed in black;
- In Annex III, A, b), the last row of the table should read as follows:

$\sum_i^{n \text{ RFNBO}} M_i \times LCV_i$	<i>Annual sum of energy used from RFNBO and/or from fuels providing equivalent greenhouse gas savings according to Article 4a of this Regulation</i>
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² Please note that any reference to FuelEU penalty/penalties in the final compromise text should be read “**FuelEU penalty**” or “**FuelEU penalties**”.