



Brussels, 25 May 2022  
(OR. fr, en)

---

---

**Interinstitutional File:  
2021/0210(COD)**

---

---

**9278/22  
COR 1**

**TRANS 300  
MAR 115  
ENV 450  
ENER 180  
IND 179  
COMPET 350  
ECO 41  
RECH 255  
CODEC 739**

## **REPORT**

---

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	10327/21 INIT+ ADD 1-3
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 – General approach

---

Delegations are informed of the following editorial corrections to the text annexed to ST 9278/22:

- Recital 26b should read as follows:

‘(26b) 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 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.’

- There should be a space between recitals 38 and 38b, which have been merged by mistake;
- The recital labelled '(38b)' should read '(38a)';
- Article 3(3), point (aa), should read as follows:

‘(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 intensity of the energy used on-board by a ship, which is calculated in accordance with Annex **III** [...] Part A;’

- Article 7(3), point (n), should read as follows:

‘(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.’

- Article 14(1), point (g), should read as follows:

‘(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 ex [...]clude the additional energy due to sailing in ice conditions [...] from the scope of the energy used on-board.’

- Article 15(2), point (b), should read as follows:

‘(b) calculate, using the formula specified in Annex **III** [...] Part A, the ship’s compliance balance;’

- Article 15bis(4) and (7) should read as follows:

‘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 [...].’

‘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.’

- Article 20(1bis), (3) and (4) should read as follows:

‘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.’

‘3. 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 who had performed those actions.’

‘4. The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend Annex III [...] in order to adapt the factor defined in cell [...] 7 of the table in Part B of that Annex and used in the formula referred to in paragraph 1 of this Article, based on the developments in the cost of energy, and to amend the numerical factor laid down in paragraph 2bis of this Article, based on the indexation of the average cost of electricity in the Union.’

- Article 28(1), point (f), should read as follows:

‘(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.’

- The following paragraph in Annex III should read as follows:

‘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  $M_i$  shall be replaced by the adjusted mass of fuel  $M_{iA}$  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  $M_{iA}$ .’

- The following paragraphs in Annex IV should read as follows:

‘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:

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

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.’