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LIMITE

TRANS	**ENV**
CLIMA	**ENER**
ECOFIN	**CODEC**
AVIATION	**IND**
MAR	**COMPET**

WORKING PAPER

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From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
Subject:	Fit for 55 Package - AFIR: Proposal for a Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU - comments and suggested textual amendment from Malta

Delegations will find in the annex, comments from Malta on the subject mentioned above.

Malta's Written Comments on Proposal for a Regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and the Council

General Comments:

Firstly, Malta reiterates the importance of having a mutual understanding among the Member States and the EU that when adopting policies and legislation, the particular circumstances, such as the size, insularity, unfavourable economies of scale, and service-based economies, are fully taken into account while ensuring that no one is left behind, especially small island Member States.

It is important to ensure that solutions are flexible enough to cope with the fast pace of technological change, fostering the effective deployment of emerging user-centric technologies, business models and that they are consumer-centric. Shifting to smart and safe low- and zero-emission vehicles, vessels and aircraft requires a radical change throughout the whole transport industry and its supply chain, starting with the availability of quality fuel everywhere in the world at reasonable prices, essential for the achievement of actual CO2 emissions reduction. The safety of alternative fuels for their use onboard ships and aircraft is crucial in safeguarding both the crew and the environment, while a technology-neutral approach that avoids one-size-fits-all solutions is an absolute prerequisite to limit the risk of stranded assets and to support innovation in different promising technologies.

Furthermore, given the international nature of shipping, it is imperative that standards for maritime infrastructure take into account the international dimension. In this regard, Malta welcomes recital 49 of this proposal which provides that: *"The International Maritime Organization ('IMO') develops uniform and internationally recognised safety and environmental standards for maritime transport. Conflicts with international standards should be avoided in view of the global nature of maritime transport. Therefore, the European Union should ensure that technical specifications for maritime transport adopted pursuant to this Regulation are consistent with international rules adopted by the IMO."*

From a shipping perspective, one of the main concerns with this proposal is the potential lack of drive for delivering the necessary alternative fuels. One should not only address this through shipowners, but the matter should also be addressed in the upstream and mid-stream supply chain so as to ensure that the necessary alternative fuels become available.

In conclusion, Malta believes that at an EU level we need to strive to ensure adequate public and private funding in support of research and development, including through existing and new EU financial instruments and grants. This will ensure that port-based and transport incentives encourage faster take up of clean alternative fuels and that relevant infrastructure is in place, so that innovative technologies lead to more sustainable modes of transport.

Detailed Comments in relation to the textual changes:

Article 2 - Definitions

- With regards to para. 56, Malta would like to suggest amending the text as indicated below as it seems that there is missing text in the definition of 'safe and secure parking':
  'safe and secure parking' means a parking and rest area as referenced in Article 17, point(1)(b) ***of Regulation (EU) No 1315/2013*** *that is dedicated to heavy-duty vehicles overnight parking;*

- Additionally, para. 57 states that: *'ship at berth' means ship at berth as defined in Article 3, point (n) of Regulation (EU) 2015/757*. Article 3, point (n) of Regulation (EU) 2015/757 defines ship at berth as: *'ship at berth' means a ship which is securely moored or anchored in a port falling under the jurisdiction of a Member State while it is loading, unloading or hotelling, including the time spent when not engaged in cargo operations.* The problem with aligning the definition of "ship at berth" in the AFIR to the MRV Regulation is that such definition includes ships at anchorage. This is an anomaly because ships at anchorage cannot possibly connect to shoreside electricity. Malta believes that this is a major problem which needs to be rectified whereby the definition within AFIR should exclude ships at anchorage. In this respect, Malta would like to highlight this problem and proposes to amend Article 2, point (57) of the AFIR proposal as follows:

  "ship at berth' means a ship which is securely moored ***~~or anchored~~*** *in a port falling under the jurisdiction of a Member State while it is loading, unloading or hotelling, including the time spent when not engaged in cargo operations".*

Article 6 - Targets for hydrogen refuelling infrastructure of road vehicles

- Turning to the Hydrogen, from a preliminary view, it is understood that there will not be the demand for such and, therefore. a complete absence of the economies of scale required. In this respect Malta recommends adding the wording: 'unless the costs are disproportionate to the benefits, including environmental benefits.', to be added after 2030 in Article 6, para 1 as per below:
  Member States shall ensure that, in their territory, a minimum number of publicly accessible hydrogen refuelling stations are put in place by 31 December 2030, ***unless the costs are disproportionate to the benefits, including environmental benefits.***

Article 9 - Targets for shore-side electricity supply in maritime ports

- With reference to article 9(1)(c), it is suggested that the provisions of this Article should reflect the draft OPS-related provisions in the proposed Regulation on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC. One is to note that 9(1)(a) and (b) relates to seagoing vessels, thereby entailing vessels on international voyages calling a port, and there is also a minimum tonnage requirement. On the other hand, 9(1)(c) omits seagoing and does not have any tonnage requirement, thereby possibly including all passenger ships calling a port whether on an international voyage or not of whatever size. The understanding is that this provision relates to cruise ships, and therefore the proposed amendments to 9(1)(c) as follows:

  (c) TENT-T core and TEN-T comprehensive maritime ports whose average annual number of port calls over the last three years by ***seagoing*** *passenger ships* ***above 5000 gross tons,*** *other than roro passenger ships and high-speed passenger craft above 5000 gross tons, in the previous three years~~,~~ is above 25, have sufficient shore-side power output to meet at least 90% of that demand.*

- With regards to article 9(2) dealing with exemptions, it is suggested that these exemptions should also reflect the OPS-related provisions in the proposed Regulation on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC. In this respect, it is believed that the exemptions being proposed should also be taken into account to determine the number of port calls to achieve the different targets. The following amendment is therefore being proposed:

  (e) which, for a limited period of time, require the use of on-board energy generation, under emergency situations representing immediate risk to life, the ship, the environment or for other reasons of force majeure.

Article 12 - Targets for supply of electricity to stationary aircraft

- From an aviation perspective, when it comes to meeting the targets for supply of electricity to stationary aircraft in Malta, one also needs to consider that aircraft will require conditioned air supply due to the external temperatures and this needs to be factored in too, otherwise the aircraft will still need to use its APU (auxiliary power supply unit) to provide a suitable environment for passengers within the standing aircraft.

- With regards to the draft proposals related to the targets for supply of electricity to stationary aircraft, it is important to point out that most commercial aircraft today (e.g., Airbus, Boeing) use 400Hz 3-phase 90kVA as ground supply input. Considering the different power outputs from national grids, frequency converters will be required to be installed at airport. Malta considers that the requirement for ground supply (Fixed Electrical Ground Power - FEGP) to be made available for commercial aviation, refers to the aprons/stands that are in regular use by the aircraft requiring 400Hz frequency (and not other frequencies) and naturally does not include Maintenance, Repair and Operations (MRO) stands. Likewise, such ground supply would not be required for general and private aviation which generally use smaller aircraft, different frequencies and/or do not require continuous power supply as the latter would be

hard to justify economically and in terms of benefit for the environment due to the carbon footprint of the installation of equipment.

- Malta also has significant doubts as to whether the provision of ground supply (FEGP) to away-stands (out-stands) as aircraft away from the terminals will need pre-conditioned air (PCA) as well as electrical supply. We feel that the dismissal of the requirement of PCA in the impact assessment shows a significant misconception of airfield operations as the terminal air-conditioning system cannot provide PCA for these stands. That the report states that the data on stands is not accurate is not fitting.

- In this respect the aircraft on outs-stands will still need to run their APU's to generate pre-conditioned air and therefore the proposal for away stands to be provided with power does little to reduce use of APUs and cut the use of jet fuel while the aircraft is on the ground. This totally negates the rationale for the propose requirement for out-stands to have FEGP and therefore Malta suggests that Art 12(1)(b) of the proposal be deleted:

> *1. Member States shall ensure that airport managing bodies of all TEN-T core and comprehensive network airports ensure the provision of electricity supply to stationary aircraft by:*
> *(a) 1 January 2025, at all gates used for commercial air transport operations;*
> ***~~(b) 1 January 2030, at all outfield posts used for commercial air transport operations.~~***
> *2. As of 1 January 2030 at the latest, Member States shall take the necessary measures to ensure that the electricity supplied pursuant to paragraph 1 comes from the electricity grid or is generated on site as renewable energy.*