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### WORKING PAPER

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### **WORKING DOCUMENT**

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° prev. doc.:	12813/1/21 REV 1
N° Cion doc.:	10327/21 INIT + ADD1-3
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 - Comments from Member States - Italy

Delegations will find, attached, comments from Italy on the above-mentioned proposal.

# Italy comments on the FuelEU Maritime Regulation

## General Comment

Italy supports the objectives of the proposed FuelEU Maritime Regulation which will provide the industry with a set of requirements aiming to address certain environmental benefits. Italy wishes to thank the Presidency and the Commission for the given opportunity to provide further comments to the draft text contained in the document 12813/1/21 – Rev.1. In this regard, we would like to submit some technical comments and proposals on specific articles.

## *Article 2*

### **Scope**

This Regulation applies to all ships above a gross tonnage of 5000, regardless of their flag in respect to:

- (a) the energy used during their stay within a port of call under the jurisdiction of a Member State,
- (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
- (c) a half of the energy used on voyages departing from or arriving to a port of call under the jurisdiction of a Member State, where the last or the next port of call is under the jurisdiction of a third country.

This Regulation does not apply to:

1. 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; and
2. the energy used within the scope of surveys and inspections carried out by Port and Flag States Authorities or delegated “recognized organizations” on behalf of the Flag State, required by international Conventions, EU and national legislation during the ship stay within a port of call under the jurisdiction of a Member State.

## **Proposal and justification:**

*With reference to the scope of the FuelEU Maritime regulation contained in the article 2, Italy is of the view that the draft text should be further improved in order to exclude the energy used for the scope of surveys and inspections carried out on board vessels in compliance with international, European and national safety/prevention of pollution relevant legislation/convention.*

*The proposal takes into account that surveys items set out in the HSSC Guidelines/Classification and procedures established under PSC inspection regime require, in some cases, the operational tests of the system to verify if it is fully compliant with the requirements of the applicable regulations (e.g. main and*

emergency source of power etc.). In addition, Italy has the opinion that the mentioned operational tests/checks can be carried out only when the vessel (cargo, passenger etc) is safely moored at berth or in the anchorage area and all precautions are taken both by surveyor/inspector and crew members to avoid any additional hazards/risks to persons on board, environment and ship's equipment. Finally the proposed modification (highlighted in red in the text above), if accepted, could avoid also potential misunderstanding between the Company/crew members and surveyors of the Recognized Organization and/or Port/Flag State Control Officer during their survey/inspection duties.

**COMMENTS ABOUT BLOCK A, POINTS A3 – Fuel's definitions and certifications – and A5 - Emission factors- ANNEX 2:**

*Italy considers the values for the emission factors reported in annex 2 not in line with other regulations. In this regard, Italy proposes to align them with the TIER 1 emission factor values.*