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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° Cion doc.:	ST 10327/21 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 - Comments from Member States - Sweden

Delegations find, attached, comments from **Sweden** on the above subject.

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Sweden's comments on the FuelEU Maritime proposal (12813/21 REV 1)

Written comments on Block B and Block C (following WK 15525/2021).

Block B:

Article 5 – “a ship at berth”.

Sweden is of the view that a ship at anchor should not be included in the “ship at berth” definition and the on-shore power supply (OPS) obligation at this stage. This position is based on an analysis where different aspects have been considered.

Legal: A port area is not always within the port's jurisdiction and part of their legal entity and an obligation on the port to provide this service (linked to AFIR) may raise legal questions.

Technical: Today there is not a well-functioning, appropriate or economic technical solution available to provide OPS to a ship at anchor, nor a satisfactory solution onboard for a vessel to provide all necessary energy needed. Different projects and solutions have been and will be tested, but nothing is that well-developed to be widely used.

Safety: Many safety related issues may arise if a ship at anchor shall only rely on battery/electricity capacity. Ships at anchor can quickly start dragging/swinging which call for immediately action by the ship. To only

rely on limited energy source may cause severe danger to the ship and other ships at the anchorage. A ship at anchor need much more preparedness/readiness compared to a ship well moored. To handle an OPS connection at sea may also introduce risk for the seafarers that is in charge and will handle that operation.

Economy: An OPS solution that should work for a ship at sea/at anchor may need much higher safety requirements than an OPS solution on the quay side. Both for the port as well as for the ship and may cause much higher investment costs.

Review clause: There are many benefits from an environmental and health perspective if ships at anchor could use OPS or zero emission technologies. We assume that there will be technology developments in the coming years that will enable future use. Therefore, Sweden welcome a more defined review clause to analyse the different aspects of OPS requirements that also include ships at anchor. And that can be done earlier than the 1st of January 2030 as stated in article 28.

Block C:

Governance in general: Sweden can accept the proposed task for the accredited verifiers when it comes to monitoring, reporting, verification and to assess the conformity in line with the proposed procedures. To involve or give that task to a MS competent authority should add a huge administrative burden for that authority. Sweden is more concerned about the process and the verifier's role in regard to the penalties according to article 20, including the calculation of these penalties. Sweden may see a need to strengthen the role of the MS in the "penalty process" or at least give the MS the possibility to choose the best suitable solution and entity for that process.

Article 14 para 4 (text proposal)

Monitoring and recording

4. In case there is a change of company, the new company shall ensure that each ship under its responsibility complies with the requirements of this Regulation in relation to the entire reporting period during which it takes responsibility for the ship concerned. **The former company retains all responsibility for the period before the change of company.**

Justification: To have legal certainty that the old company both provide the required data to the new company, but also fulfil its requirement and responsibility according to this regulation, it may need to be specified in the article. An example may be if the new company take over the responsibility of the ship the 1st of February. That means that the last reporting period (Jan-Dec) has passed, but the obligations such as reporting, verification, calculation, compliance balance, penalties etc. may not have been finalized by the old company.