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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° prev. doc.:	WK 3260/22
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 the Member States - Germany

Delegations will find, attached, comments from Germany on the negotiation blocks A.4 and A.5.

Comments from Germany on negotiation blocks A.4 and A.5 – Annex I and II of the proposal FuelEU Maritime based on document WK 3260/22

This does not represent a conclusive position of Germany. We reserve the right to make further comments.

With regard to the design of equation 1 in Annex I, we refer to our comments on WK 2457/2022 regarding the inclusion of fugitive emissions. We believe that fugitive emissions apart from the slip emissions through the fuel consumer are not sufficiently represented in the equation as presented in the non-paper.

Moreover, we refer to our comments on WK 13353/2021 and WK 2457/2022 with regard to the values included in Annex II. We stand by these delivered comments and do not agree with the values presented in the non-paper.

Hereafter, we present answers to the questions raised in Part II of the non-paper (WK 3260/22).

Global warming potentials (GWP) - Question 1: Would you rather maintain IPCC AR6 values or refer to the Directive (EU) 2018/2001?

We are in favour of maintaining the GWP values from IPCC AR6 and are supporting the notion of NLD and DNK to refer to these values coherently within all FF55 dossiers.

BDN - Question 2: Would you prefer option 1 or option 2 above? Do you see any other option?

As correctly stated, the required information for the bunker delivery note is regulated under MARPOL, Annex VI regulations, Appendix V. This ensures that port state control inspectors worldwide are confronted with the same format of the bunker delivery note, which makes controls much easier.

Hence, Germany proposes another option: the introduction of a “FuelEU Bunker Fuel Information Certificate ⁽¹⁾” that includes all requirements set under this EU legislation, making it easy for all fuel suppliers worldwide to adapt to the requirements under EU legislation without interfering with IMO regulations. The EU certificate would then accompany the bunker delivery note. This entails the necessary introduction of the “FuelEU Bunker Fuel Information Certificate” in Art. 6 of the regulation.

⁽¹⁾ “FuelEU Bunker Fuel Information Certificate” represents only a first idea for a name. We are also open for other suggestions.

Liquid biofuels pathways - Question 3: Would you prefer option 1, option 2 or option 3 above? Do you see any other option?

Germany is in favour of option 2, the substitution of numerical default values with references to the RED on the WtT part, while maintaining numerical default values for the TtW part.

RFNBOs - Question 4: Would you prefer, in the meantime, to rely on JEC study numerical values, as proposed in the Commission proposal, or make reference to the upcoming delegated act?

Germany would be in favour of using the JEC study numerical values until the delegated act is available. We suggest inserting a table containing these values into the Annex, which will be automatically replaced by the upcoming delegated act once this enters into force.

Calculation of the reward factor for the use of wind propulsion systems - Question 5: Would you agree to use EEDI/EEXI Guidelines to define more precisely P_{Wind} and P_{Tot} ? If yes, the Presidency welcomes any concrete proposal for amendments. Do you have any other suggestion on this provision?

Germany is in favour of applying the definition used in the IMO EEDI guidelines (MEPC.1/Circ.896). The EEDI guidelines set out guidance for the calculation of the available effective power by the wind propulsion system. Accordingly, P_{tot} , the installed power on board the ship, would need to be changed to P_{EEDI} .

As such, in case the propulsion power of the EEDI framework (75%) is used, we suggest to adapt the figures in the table as follows (highlighted in grey below):

red. factor	P_{Wind}/P_{Tot} original COM proposal	P_{Wind}/P_{Tot} GER I. suggestion	P_{Wind}/P_{EEDI}
			GER II. in case to use P_{EEDI} (75% of installed propulsion power)
0,99	0,1	0,05	0,067
0,97	0,2	0,1	0,133
0,95	0,3	0,15	0,200