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AMENDMENTS: 29

Jürgen Warborn

The use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC

Proposal for a regulation COM(2021)0562 - C9-0333/2021 – 2021/0210(COD)

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Amendment 1

Elsi Katainen, Pierre Karleskind, Dominique Riquet, Jan-Christoph Oetjen, Caroline Nagtegaal, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Maritime transport accounts for around 75% of EU external trade and 31% of EU internal trade in terms of volume. At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11% of all EU CO₂ emissions from transport and 3-4% of total EU CO₂ emissions. 400 million passengers embark or disembark annually in ports of Member States, including around 14 million on cruise ships. Maritime transport is therefore an essential component of Europe's transport system and plays a critical role for the European economy. The maritime transport market is subject to strong competition between economic actors in the Union and beyond for which a level playing field is indispensable. The stability and prosperity of the maritime transport market and its economic actors rely on a clear and harmonised policy framework where maritime transport operators, ports and other actors in the sector can operate on the basis of equal opportunities. Where market distortions occur, they risk putting ship operators or ports at a disadvantage compared to competitors within the maritime transport sector or in other transport sectors. In turn, this can result in a loss of competitiveness of the maritime transport industry, and a loss of connectivity for citizens and businesses

Amendment

(1) Maritime transport accounts for around 75% of EU external trade and 31% of EU internal trade in terms of volume. At the same time, ship traffic to or from ports in the European Economic Area accounts for some 11% of all EU CO₂ emissions from transport and 3-4% of total EU CO₂ emissions. 400 million passengers embark or disembark annually in ports of Member States, including around 14 million on cruise ships. Maritime transport is therefore an essential component of Europe's transport system and plays a critical role for the European economy. The maritime transport market is subject to strong competition between economic actors in the Union and beyond for which a level playing field is indispensable. The stability and prosperity of the maritime transport market and its economic actors rely on a clear and harmonised policy framework where maritime transport operators, ports and other actors in the sector can operate on the basis of equal opportunities. Where market distortions occur, they risk putting ship operators or ports at a disadvantage compared to competitors within the maritime transport sector or in other transport sectors. In turn, this can result in a loss of competitiveness of the maritime transport industry, and a loss of connectivity for citizens and businesses. ***Therefore, to avoid market distortion and to ensure a fair and level playing field for Member States, measures should be taken to address specific circumstances, such as those related to climate, weather and natural conditions.***

Amendment 2

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation**Recital 4***Text proposed by the Commission*

(4) In order to produce an effect on all the activities of the maritime transport sector, it is appropriate that this Regulation covers a share of the voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country. This Regulation should thus apply to half of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the of the energy used by a ship performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, the entirety of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and the energy used at berth in a port under the jurisdiction of a Member State. Such coverage of a share of the energy used by a ship in both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of this Regulation, including by increasing the positive impact on the environment of such framework. **Simultaneously, such** framework **limits** the risk of evasive port calls and the risk of delocalisation of transshipment activities outside the Union. In order to ensure smooth operation of maritime traffic, a level playing field among maritime

Amendment

(4) In order to produce an effect on all the activities of the maritime transport sector, it is appropriate that this Regulation covers a share of the voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country. This Regulation should thus apply to half of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port outside the jurisdiction of a Member State, half of the of the energy used by a ship performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the jurisdiction of a Member State, the entirety of the energy used by a ship performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and the energy used at berth in a port under the jurisdiction of a Member State. Such coverage of a share of the energy used by a ship in both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of this Regulation, including by increasing the positive impact on the environment of such framework. **The** framework **should limit** the risk of evasive port calls and the risk of delocalisation of transshipment activities outside the Union. In order to ensure smooth operation of maritime traffic, a level playing field among maritime transport operators and

transport operators and among ports, and avoid distortions in the internal market, all journeys arriving or departing from ports under jurisdiction of Member States, as well as the stay of ships in those ports should be covered by uniform rules contained in this Regulation.

among ports, and avoid distortions in the internal market, all journeys arriving or departing from ports under jurisdiction of Member States, as well as the stay of ships in those ports should be covered by uniform rules contained in this Regulation.

Or. en

Amendment 3

Elsi Katainen, Pierre Karleskind, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) In order to ensure a coherent legislative framework for the decarbonisation of the maritime sector, this Regulation, AFIR, RED, ETS and ETD should be aligned to create legal and investment certainty for the sector. Furthermore, the overarching economic impacts of these legislations should be evaluated comprehensively.

Or. en

Amendment 4

Elsi Katainen, Dominique Riquet, Jan-Christoph Oetjen, Caroline Nagtegaal

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) Welcomes the Commission REPowerEU Communication's^{1a} recommendation to double the production of biomethane to at least 35 billion cubic meters and encourages the Commission to propose even higher targets to harness the full potential; stresses that in order to ensure a successful acceleration of bio-

LNG production for the maritime sector, incentives should be created both in supply and demand side; therefore, adding a multiplier for bio-LNG in this Regulation should be considered;

^{1a} REPowerEU: Joint European Action for more affordable, secure and sustainable energy COM(2022)108

Or. en

Amendment 5

Elsi Katainen, Pierre Karleskind, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) Development of new innovative technologies, such as wind propulsion and carbon capture and storage, should be fostered, including through the Innovation Fund.

Or. en

Justification

New technologies are constantly emerging in the maritime sector and they should be supported, especially through the Innovation Fund.

Amendment 6

Elsi Katainen, Dominique Riquet, Jan-Christoph Oetjen, Caroline Nagtegaal, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) Development and deployment of renewable and low carbon fuels with a high

(11) Development and deployment of renewable and low carbon fuels with a high

potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime fuels in the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable maritime fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic maritime fuels should be eligible. In particular, sustainable maritime fuels produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise *maritime* transport already in the short term.

potential for sustainability, commercial maturity and a high potential for innovation and growth to meet future needs should be promoted. This will support creating innovative and competitive fuels markets and ensure sufficient supply of sustainable maritime fuels in the short and long term to contribute to Union transport decarbonisation ambitions, while strengthening Union's efforts towards a high level of environmental protection. For this purpose, sustainable maritime fuels produced from feedstock listed in Parts A and B of Annex IX of Directive (EU) 2018/2001, as well as synthetic maritime fuels should be eligible. In particular, sustainable maritime fuels, *such as bio-LNG*, produced from feedstock listed in Part B of Annex IX of Directive (EU) 2018/2001 are essential, as currently the most commercially mature technology to decarbonise *maritime* transport already in the short term.

Or. en

Justification

Bio-LNG is a cost-efficient alternative fuel that can be deployed through the LNG infrastructure to help decarbonisation efforts. It is made, for example, from agricultural and household waste promoting circular economy. Bio-LNG is readily available and can therefore play a key role, especially before e-fuels become more mature and affordable.

Amendment 7

Elsi Katainen, Dominique Riquet, Jan-Christoph Oetjen, Søren Gade

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Indirect land-use change occurs when the cultivation of crops for biofuels, bioliquids and biomass fuels displaces traditional production of crops for food and feed purposes. Such additional demand

Amendment

(12) Indirect land-use change occurs when the cultivation of crops for biofuels, bioliquids and biomass fuels displaces traditional production of crops for food and feed purposes. Such additional demand

increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional greenhouse gas emissions and loss of biodiversity. Research has shown that the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels, bioliquids and biomass fuels, and the extent to which land with high-carbon stock is protected worldwide. The level of greenhouse gas emissions caused by indirect land-use change cannot be unequivocally determined with the level of precision required for the establishment of emission factors required by the application of this regulation. However, there is evidence that all fuels produced from feedstock cause indirect land-use change to various degrees. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of negating some or all greenhouse gas emissions savings of individual biofuels, bioliquids or biomass fuels – indirect land-use change poses risks to biodiversity. This risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. Accordingly, no ***feed and food crop-based fuels*** should be promoted. Directive (EU) 2018/2001 already limits and ***sets a cap on*** the contribution of ***such*** biofuels, ***bioliquids and biomass*** to the GHG emissions savings ***targets*** in the ***road and rail*** transport sector ***considering their lower environmental benefits, lower performance in terms of greenhouse reduction potential and broader sustainability concerns***.

increases the pressure on land and can lead to the extension of agricultural land into areas with high-carbon stock, such as forests, wetlands and peatland, causing additional greenhouse gas emissions and loss of biodiversity. Research has shown that the scale of the effect depends on a variety of factors, including the type of feedstock used for fuel production, the level of additional demand for feedstock triggered by the use of biofuels, bioliquids and biomass fuels, and the extent to which land with high-carbon stock is protected worldwide. The level of greenhouse gas emissions caused by indirect land-use change cannot be unequivocally determined with the level of precision required for the establishment of emission factors required by the application of this regulation. However, there is evidence that all fuels produced from feedstock cause indirect land-use change to various degrees. In addition to the greenhouse gas emissions linked to indirect land-use change – which is capable of negating some or all greenhouse gas emissions savings of individual biofuels, bioliquids or biomass fuels – indirect land-use change poses risks to biodiversity. This risk is particularly serious in connection with a potentially large expansion of production determined by a significant increase in demand. Accordingly, no ***biofuels made from feedstocks with high indirect land-use change risk*** should be promoted. Directive (EU) 2018/2001 already limits and ***gradually phases out*** the contribution of ***high indirect land-use change risk*** biofuels to the GHG emissions savings in the transport sector.

Or. en

Justification

To ensure that all sustainable biofuels can contribute to the decarbonisation of the maritime sector, sustainable food and feed crop based biofuels that do not pose high indirect land-use change risk and do not compromise food security should be taken into account. Furthermore, to promote legislative coherence, sustainability criteria for biofuels should be primarily set in Directive (EU) 2018/2001.

Amendment 8

Elsi Katainen, Dominique Riquet, Jan-Christoph Oetjen, Søren Gade

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) ***However, this approach must be stricter in the maritime sector.*** The maritime sector has currently insignificant levels of demand for ***food and feed crops-based*** biofuels, bioliquids and biomass fuels, since over 99% of currently used marine fuels are of fossil origin. Therefore, the ***non-eligibility of food and feed crop-based*** fuels under this Regulation ***also minimises any risk to slow down*** the decarbonisation of the ***transport sector, which could otherwise result from a shift of crop-based biofuels from the road to the maritime sector. It is essential to minimise such a shift, as road transport currently remains by far the most polluting transport sector and the maritime transport currently uses predominately fuels of fossil origin.*** It is ***therefore*** appropriate to avoid the creation of a potentially large demand of ***food and feed crops-based*** biofuels, bioliquids and biomass fuels by promoting their use under this Regulation. ***Accordingly, the additional*** greenhouse gas ***emissions and loss of biodiversity caused by all types of feed and food crop-based fuels require that these fuels be considered to have the same*** emission factors ***as the least***

Amendment

(13) The maritime sector has currently insignificant levels of demand for biofuels, bioliquids and biomass fuels, since over 99% of currently used marine fuels are of fossil origin. Therefore, the ***use of biofuels, bioliquids and biomass*** fuels under this Regulation ***should be promoted in*** the decarbonisation of the maritime transport ***sector.*** It is ***however*** appropriate to avoid the creation of a potentially large demand of ***unsustainable*** biofuels, bioliquids and biomass fuels by promoting their use under this Regulation, ***and therefore it should be ensured that only biofuels, bioliquids and biomass fuels that comply with the sustainability criteria and*** greenhouse gas ***saving criteria set out in the Directive (EU) 2018/2001 and do not pose a high indirect land-use change risk are used.*** ***The greenhouse gas*** emission factors ***of these fuels shall be determined according to the methodologies set out in Directive (EU) 2018/2001.***

favourable pathway.

Or. en

Justification

To ensure that all sustainable biofuels can contribute to the decarbonisation of the maritime sector, sustainable food and feed crop based biofuels that pose no high indirect land-use change risk and do not compromise food security should be taken into account. Furthermore, to promote legislative coherence, sustainability criteria for biofuels should be primarily set in Directive (EU) 2018/2001.

Amendment 9

Elsi Katainen, Dominique Riquet, Caroline Nagtegaal, Søren Gade

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) This Regulation should establish the methodology and the formula that should apply to calculate the yearly average greenhouse gas intensity of the energy used on-board by a ship. This formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of these fuels. The use of substitute sources of energy, such as wind or electricity, should also be reflected in the methodology.

Amendment

(15) This Regulation should establish the methodology and the formula that should apply to calculate the yearly average greenhouse gas intensity of the energy used on-board by a ship. This formula should be based on the fuel consumption reported by ships and consider the relevant emission factors of these fuels. The use of substitute sources of energy, such as wind or electricity, should also be reflected in the methodology. ***To ensure a level playing field, a specific method should be applied to take into account and adequately compensate the additional emissions resulting from sailing in ice conditions and the additional emissions caused by the ship's ice-strengthened design when sailing in open water.***

Or. en

Justification

Ice navigation and the open water sailing of ice-classed ships should be adjusted and compensated in the calculation method, since these weather-related conditions cannot be controlled and, if not taken into account, will seriously distort the level playing field.

Amendment 10

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Exceptions in case of unavailability or incompatibility of OPS should be limited after ship and port operators have had sufficient time to make the necessary investments, in order to provide the necessary incentives for those investments and avoid unfair competition. As of 2035, ship operators should plan carefully their **port** calls to make sure that they can carry out their activities without emitting air pollutants and GHG at berth and compromise the environment in coastal areas and port cities. A limited number of exceptions in case of unavailability or incompatibility of OPS **should** be maintained in order to provide the possibility for occasional last-minute changes in port call schedules and calls in ports with incompatible equipment.

Amendment

(24) Exceptions in case of unavailability or incompatibility of OPS should be limited after ship and port operators have had sufficient time to make the necessary investments, in order to provide the necessary incentives for those investments and avoid unfair competition. As of 2035, ship operators should plan carefully their calls **on TEN-T ports covered by the Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation)** to make sure that they can carry out their activities without emitting air pollutants and GHG at berth and compromise the environment in coastal areas and port cities. A limited number of exceptions in case of unavailability or incompatibility of OPS **should** be maintained in order to provide the possibility for occasional last-minute changes in port call schedules and calls in ports with incompatible equipment. **In order to mitigate stranded assets, incompatibility of OPS infrastructure on board and at berth as well as alternative fuel demand and supply imbalances, frequent consultation meetings between relevant stakeholders should be organised to discuss and take decisions on requirements and future plans.**

Or. en

Justification

A frequent dialogue and cooperation between ports and their users should lead to an effective uptake of alternative fuels and technologies as well as safeguard against stranded assets and incompatibility of different installations.

Amendment 11

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 24 a (new)

Text proposed by the Commission

Amendment

(24 a) If a port outside of the TEN-T network has voluntarily installed OPS, ships calling at that port should connect to OPS.

Or. en

Justification

If a port outside of the TEN-T network has installed OPS and a ship also has this capability, it shall connect to OPS. This rewards ports that have voluntarily installed OPS, creates more investment certainty and mitigates the possibility of stranded assets.

Amendment 12

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 37

Text proposed by the Commission

Amendment

(37) The revenues generated from the payment of penalties should be used to promote the distribution and use of renewable and low-carbon fuels in the maritime sector and help maritime operators to meet their climate and environmental goals. For this purpose these revenues should be allocated to ***the*** the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC.

(37) The revenues generated from the payment of penalties should be used to promote the distribution and use of renewable and low-carbon fuels in the maritime sector and help maritime operators to meet their climate and environmental goals, ***including by supporting investments in alternative fuels and OPS infrastructure.*** For this purpose these revenues should be allocated to the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC. ***It should be ensured that this allocation is***

earmarked for decarbonisation projects in the maritime sector.

Or. en

Justification

It is important to ensure that the revenues received from the penalties in this Regulation will go back to the maritime sector for decarbonisation effort. Therefore, earmarking them inside the Innovation Fund is warranted.

Amendment 13

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41 a) The methodology used to calculate GHG emission intensity reductions in Annex I should be reviewed regularly in order to evaluate, and if necessary amend, this Regulation, in order to include the reductions derived from new technological innovations. For example, the new potential GHG abatement technologies, such as propulsion techniques and carbon capture and storage, could contribute towards achieving the objectives of this Regulations.

Or. en

Justification

The current methodology for calculating the GHG intensity is based on fuel consumption and does not take into account situations where emissions are captured. Changes to the methodology may be needed in the future to ensure a technology neutral treatment of all greenhouse gas abatement methods.

Amendment 14

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal,

Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43 a) The Commission shall comprehensively evaluate the quantity and sustainability of alternative fuels supply in the EU and report the results to the European Parliament and the Council, by 1 January 2028, and every five years until 2050. If needed, the Commission should propose a shared responsibility mechanism between shipping companies and fuel suppliers to ensure adequate volume and sustainability of these fuels.

Or. en

Justification

The supply and sustainability of alternative fuels are very important for the functioning of this Regulation. Therefore, the Commission should closely follow the developments of alternative fuels supply. If the current system does not adequately tackle these issues, the Commission can propose an alternative mechanism of shared responsibility between shipping companies and EU fuel suppliers to address the issue.

Amendment 15

Elsi Katainen, Pierre Karleskind, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation
Article 3 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) ‘wind propulsion’ or ‘wind-assisted propulsion’ means a propulsion technique that contributes primarily or auxiliary to the propulsion of any type of vessel via the energy of the wind, which is captured when the ship is sailing.

Or. en

Justification

Wind propulsion and wind-assisted propulsion should be included in this Regulation as they are innovative solutions to decarbonise the maritime sector.

Amendment 16

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 3 – paragraph 1 – point m

Text proposed by the Commission

(m) ‘ship at berth’ means *ship at berth as defined in Article 3, point (n) of Regulation (EU) 2015/757*;

Amendment

(m) ‘ship at berth’ means *a ship which is securely moored at the quayside in a port falling under the jurisdiction of a Member State while it is loading, unloading and/or embarking/disembarking passengers or hoteling, including the time spent when not engaged in cargo/passenger operations*;

Or. en

Justification

In the Regulation (EU) 2015/757, the definition of ‘ship at berth’ includes anchorage. There are significant operational and safety-related challenges around using OPS in anchorage, especially since most of these are located outside of the port at sea. Therefore, the definition should be amended to include obligation to use OPS only when the ship is physically in the port.

Amendment 17

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 3 – paragraph 1 – point r

Text proposed by the Commission

(r) ‘on-shore power supply’ means the system to supply electricity to ships at berth, at low or high voltage, alternate or

Amendment

(r) ‘on-shore power supply’ means the system to supply electricity to ships at berth, at low or high voltage, alternate or

direct current, including ship side and shore side installations, **when** feeding **directly** the ship main distribution switchboard for powering hotel, service workloads or charging secondary batteries;

direct current, including ship side and shore side **fixed, mobile and floating** installations feeding the ship main distribution switchboard for powering hotel, service workloads or charging secondary batteries;

Or. en

Justification

Flexible and mobile OPS solutions should be included, since they allow for more adaptability at providing OPS at berth. This additions are not meant to cover anchorage but will assist with logistic challenges in the port, since an OPS installation can, for example, be moved from one terminal to another if necessary.

Amendment 18

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Frequent consultation meetings with all relevant stakeholders in individual ports should be organised, to ensure ongoing discussion and cooperation on the alternative fuel supply that is planned and deployed in ports as well as on the demand expected from vessels calling on these ports.

Or. en

Justification

A frequent dialogue and cooperation between ports and their users will help the effective uptake of alternative fuels and deployment of infrastructure as well as ensure a well-balanced supply and demand. These include, but are not limited to, shipping companies, fuel suppliers, port authorities and terminal operators.

Amendment 19

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal,

Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

**Proposal for a regulation
Article 5 – paragraph 1**

Text proposed by the Commission

1. From 1 January 2030, a ship at berth in a port of call ***under the jurisdiction of a Member State*** shall connect to on-shore power supply and use it for all energy needs while at berth.

Amendment

1. From 1 January 2030, a ship at berth in a port of call ***covered by Article 9 of Regulation XXXX-XXX (Alternative Fuels Infrastructure Regulation)*** shall connect to on-shore power supply and use it for all energy needs while at berth.

Or. en

Justification

For legal coherence, it is important to align this Regulation with the Alternative Fuels Infrastructure Regulation.

Amendment 20

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

**Proposal for a regulation
Article 5 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1 a. If a port outside of the TEN-T network has voluntarily installed OPS, ships calling at that port should connect to OPS.

Or. en

Justification

If a port outside of the TEN-T network has installed OPS and a ship also has this capability, it shall connect to OPS. This rewards ports that have voluntarily installed OPS, creates more investment certainty and mitigates the possibility of stranded assets.

Amendment 21

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal,

Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 5 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Frequent consultation meetings with all relevant stakeholders in individual ports should be organised, to ensure ongoing discussion and cooperation on the OPS infrastructure supply that is planned and deployed in ports as well as on the demand expected from vessels calling on these ports. This will mitigate stranded assets and incompatibility of OPS installations available onboard vessels and at berth.

Or. en

Justification

A frequent dialogue and cooperation between ports and their users will help the effective OPS usage and deployment of infrastructure as well as ensure a well-balanced supply and demand. These include, but are not limited to, shipping companies, port authorities and terminal operators.

Amendment 22

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether any of the data it contains can be improved.

1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether any of the data it contains can be improved, ***corrected and/or updated.***

Or. en

Amendment 23

Elsi Katainen, Dominique Riquet, Jan-Christoph Oetjen, Søren Gade

Proposal for a regulation

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) biofuels and biogas that do not comply with point (a) or that are produced from food and feed crops shall be considered to have the same emission factors as the least favourable fossil fuel pathway for this type of fuel;

Amendment

(c) biofuels and biogas that do not comply with point (a) or that are produced from food and feed crops ***with high indirect land-use change risk pursuant to Directive (EU) 2018/2001*** shall be considered to have the same emission factors as the least favourable fossil fuel pathway for this type of fuel;

Or. en

Justification

To ensure that all sustainable biofuels can contribute to the decarbonisation of the maritime sector, sustainable food and feed crop based biofuels that do not pose high indirect land-use change risk should be taken into account. However, this should not compromise food security. In addition, to promote legislative coherence, sustainability criteria for biofuels should be primarily set in Directive (EU) 2018/2001.

Amendment 24

Elsi Katainen, Pierre Karleskind, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. The penalties referred to in Article 20(1) and 20(2) shall be allocated to support common projects aimed at the rapid deployment of renewable and low carbon fuels in the maritime sector. Projects financed by the funds collected from the penalties shall stimulate the production of greater quantities of renewable and low carbon fuels for the maritime sector, facilitate the construction

Amendment

1. The penalties referred to in Article 20(1) and 20(2) shall be allocated to support common projects aimed at the rapid deployment of renewable and low carbon fuels in the maritime sector. Projects financed by the funds collected from the penalties shall stimulate the production of greater quantities of renewable and low carbon fuels for the maritime sector, facilitate the construction

of appropriate bunkering facilities or electric connection ports in ports, and support the development, testing and deployment of the most innovative European technologies in the fleet to achieve significant emission reductions.

of appropriate bunkering facilities or electric connection ports in ports, and support the development, testing and deployment of the most innovative European technologies, *such as wind propulsion and carbon capture and storage*, in the fleet to achieve significant emission reductions.

Or. en

Justification

New technologies are constantly emerging in the maritime sector and they should be supported, especially through the Innovation Fund.

Amendment 25

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

2. The revenues generated from penalties referred to in paragraph 1 shall be allocated to *the* the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC. These revenues shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation, and shall be implemented in accordance with the rules applicable to the Innovation Fund.

Amendment

2. The revenues generated from penalties referred to in paragraph 1 shall be allocated to the Innovation Fund referred to in Article 10a(8) of Directive 2003/87/EC. These revenues shall constitute external assigned revenue in accordance with Article 21(5) of the Financial Regulation, and shall be implemented in accordance with the rules applicable to the Innovation Fund. *The revenues from these penalties shall be earmarked for the maritime sector and contribute to its decarbonisation, including support for alternative fuels production and deployment, alternative fuels infrastructure and OPS infrastructure as well as new innovative technologies.*

Or. en

Justification

It is important to ensure that the revenues received from the penalties in this Regulation will be directed back to the maritime sector for decarbonisation effort. Therefore, earmarking them inside the Innovation Fund is warranted.

Amendment 26

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 28 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) *the methodology specified in Annex I*

Or. en

Justification

The current methodology in Annex I is based on fuel consumption and does not take into account situations where emissions are captured. The methodology should be regularly reviewed in the future, and amended if necessary, to ensure a technology neutral treatment of all greenhouse gas abatement methods.

Amendment 27

Elsi Katainen, Dominique Riquet, Nicola Danti, Jan-Christoph Oetjen, Caroline Nagtegaal, Søren Gade, Ilhan Kyuchyuk, Iskra Mihaylova, Atidzhe Alieva-Veli

Proposal for a regulation

Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. *The Commission shall review and evaluate every five years, starting from the entry into force of this Regulation until 2050, the default values presented in Annex II and amend them, if needed, based on sound scientific research and evidence.*

Or. en

Justification

In order to ensure the proper functioning of the Regulation, the default values of Annex II should be review in frequent intervals, since technological developments and other aspects can bring changes to these values and this should be taken into account.

Amendment 28

Proposal for a regulation Annex II

ANNEX II

The emissions factors for fossils fuels contained in this Annex shall be used for the determination of the greenhouse gas intensity index referred to in Annex I of this Regulation. The emissions factors of biofuels, biogas, renewable fuels of non-biological origin and recycled carbon fuels shall be determined according to the methodologies set out in Annex 5 part C of Directive (EU) 2018/2001.

In the table:

- TBM stands for To Be Measured
- N/A stands for Not Available
- The dash means not applicable

Table 1 – Default factors

1	2	3	4	5	6	7	8	9
Class / Feedstock	Pathway name	WtT		Energy Converter Class	TtW			C_{slip} As % of the mass of the fuel used by the engine
		LCV $\left[\frac{MJ}{g}\right]$	$CO_{2eq\ WtT}$ $\left[\frac{gCO_{2eq}}{MJ}\right]$		$C_{f\ CO_2}$ $\left[\frac{gCO_2}{gFuel}\right]$	$C_{f\ CH_4}$ $\left[\frac{gCH_4}{gFuel}\right]$	$C_{f\ N_2O}$ $\left[\frac{gN_2O}{gFuel}\right]$	
Fossil	HFO ISO 8217 Grades RME to RMK	0,0405	13,5	ALL ICES Gas Turbine Steam Turbines and Boilers Aux Engines	3,114 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	LSFO	0,0405	13,2, crude 13,7 blend	ALL ICES	3,114	0,00005	0,00018	-

1	2	3	4	5	6	7	8	9
	WtT				TtW			
				Gas Turbine Steam Turbines and Boilers Aux Engines				
	ULSFO	0,0405	13,2	ALL ICEs	3,114	0,00005	0,00018	-
	VLSFO	0,041	13,2	ALL ICEs	3,206 MEPC245 (66) MRV Regulation	0,00005	0,00018	-
	LFO ISO 8217 Grades RMA to RMD	0,041	13,2	ALL ICEs	3,151 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	MDO MGO ISO 8217 Grades DMX to DMB	0,0427	14,4	ALL ICEs	3,206 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	LNG	0,0491	18,5	LNG Otto (dual fuel medium speed)	2,755 MEPC245 (66) Regulation (EU) 2015/757	0	0,00011	3,1
LNG Otto (dual fuel slow speed)				1,7				
LNG Diesel (dual fuel slow speed)				0.2				
LBSI				N/A				
	LPG	0,046	7,8	All ICEs	3,03 Buthane 3,00 Propane MEPC245 (66) Regulation (EU) 2015/757	TBM	TBM	
	H2 (natural gas)	0,12	132	Fuel Cells	0	0	-	-
				ICE	0	0	TBM	
	NH3 (natural gas)	0,0186	121	No engine	0	0	TBM	-
	Methanol (natural gas)	0,0199	31,3	All ICEs	1,375 MEPC245 (66) Regulation (EU) 2015/757	TBM	TBM	-
Liquid biofuels	Ethanol E100	0,0268	Ref. to Directive (EU) 2018/2001	All ICEs	1,913 MEPC245 (66) Regulation (EU) 2015/757	TBM	TBM	-
	Bio-diesel Main products / wastes / Feedstock mix	0,0372	Ref. to Directive (EU) 2018/2001	ALL ICEs	2,834	0,00005 TBM	0,00018 TBM	-
	HVO Main products / wastes /	0,044	Ref. to Directive (EU) 2018/2001	ALL ICEs	3,115	0,00005	0,00018	-

1	2	3	4	5	6	7	8	9
	WtT			TtW				
	Feedstock mix							
	Bio-LNG Main products / wastes / Feedstock mix	0,05	Ref. to Directive (EU) 2018/2001	LNG Otto (dual fuel medium speed)	2,755 MEPC245 (66), Regulation (EU) 2015/757	0,00005 0	0,00018	3,1
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuels)				0.2
LBSI	N/A							
Gas biofuels	Bio-H2 Main products / wastes / Feedstock mix	0,12	N/A	Fuel Cells	0	0	0	-
				ICE	0	0	TBM	-
Renewable Fuels of non-Biological Origin (RFNBO) - (e- fuels)	e-diesel	0,0427	Ref. to Directive (EU) 2018/2001)	ALL ICES	3,206 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	e-methanol	0,0199	Ref. to Directive (EU) 2018/2001	All ICES	1,375 MEPC245 (66) Regulation (EU) 2015/757	0,00005	0,00018	-
	e-LNG	0,0491	Ref. to Directive (EU) 2018/2001	LNG Otto (dual fuel medium speed)	2,755 MEPC245 (66) Regulation (EU) 2015/757	0	0,00011	3.1
				LNG Otto (dual fuel slow speed)				1,7
				LNG Diesel (dual fuels)				0.2
	LBSI	N/A						
	e-H2	0,12	3,6	Fuel Cells	0	0	0	-
ICE				0	0	TBM	-	
e-NH3	0,0186	0	No engine	0	N/A	TBM	N/A	
Others	Electricity	-	106,3 EU MIX 2020 72 EU MIX 2030	OPS	-	-	-	-

Or. en

Justification

This is a correction to align the bio-LNG factor with LNG and e-LNG in column 7, as it was intended by the Commission.

Amendment 29

Proposal for a regulation
Annex III

ANNEX III

**CRITERIA FOR THE USE OF ZERO-EMISSION TECHNOLOGY AS REFERRED TO IN
ARTICLES 5(3)(b) and 7(3), points (d) and (f)**

The following table provides a list of zero-emission technologies as referred to in Article 5(3)(b), as well as, specific criteria for their use as applicable.

Zero-emission technology	Criteria for use
Fuel cells	Fuel cells used on board for power generation while at berth should be fully powered by renewable and low carbon fuels.
On-board Electricity Storage	The use of on-board electricity storage is allowed irrespective on the source of energy that produced the stored power (on-board generation or on-shore in case of battery swapping).
On-board Electricity production from wind and solar energy	Any ship that is capable to sustain energy needs at berth through the use of wind and solar energy.
<i>Any other zero-emission power source</i>	<i>Any technology that achieves emissions reductions equivalent to or more significant than would be achieved by using on-shore power supply.</i>

The use of these zero-emission technologies shall continuously achieve emissions that are equivalent to the emissions reductions that would be achieved by using on-shore power supply.

Or. en

Justification

To ensure that this Regulation stays future-proof, Annex III should include a mention of all zero-emission power sources, in order for new innovations to be easily included after they are developed.