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*Committee on Industry, Research and Energy*

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**2013/0224(COD)**

20.1.2014

# OPINION

of the Committee on Industry, Research and Energy

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Regulation (EU) No 525/2013 (COM(2013)0480 – C7-0201/2013 - 2013/0224(COD))

Rapporteur: Marita Ulvskog

PA\_Legam

## SHORT JUSTIFICATION

The rapporteur welcomes the Commission's proposal for a regulation on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport.

It remains a major problem that international shipping is excluded from EU emissions commitments. It is unreasonable that one mode of transport should be exempted from climate policy, so the Commission should, even in the absence of an international agreement, have already proposed instruments for emissions reductions in this sector. Despite several years of work, the IMO process has not achieved sufficient results. EU policy in this area is inadequate and the level of ambition must be raised.

The measures proposed in this regulation are necessary in order to produce a tangible commitment on emissions for international shipping and to develop appropriate market-based instruments as quickly as possible.

The rapporteur considers it reasonable to give the IMO process another chance, but if no international agreement which includes emissions reduction commitments is signed by 31 December 2015 the Commission should present a legislative proposal on emissions reductions and instruments.

The rapporteur considers that the proposed timetable for the entry into force and implementation of this regulation is too slow. She therefore proposes a faster timetable that reflects the importance of rapid action on climate issues.

The Commission proposes that fishing vessels above 5000 gross tons be exempted from this regulation. No reasons are given for this. The rapporteur suggests that this exemption be removed.

The rapporteur also considers that the regulation should promote methods of determining emissions that have the greatest potential to provide accurate data and provide clear incentives for emissions reductions by the vessels concerned. It is therefore proposed that companies affected by the regulation should be able to choose between flow meters for applicable combustion processes and direct emission measurements.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 1**

*Text proposed by the Commission*

(1) The Climate and Energy Package<sup>17</sup> **calling for** contributions of all sectors of the economy to achieving these emission reductions, **including** international maritime shipping, provides a clear mandate: "...in the event that no international agreement which includes international maritime emissions in its reduction targets through the International Maritime Organisation has been approved by Member States or no such agreement through the UNFCCC has been approved by the Community by 31 December 2011, the Commission should make a proposal to include international maritime emissions in the Community reduction commitment, with the aim of the proposed act entering into force by 2013. Such a proposal should minimise any negative impact on the Community's competitiveness while taking into account the potential environmental benefits."

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<sup>17</sup> Decision n°406/2009/EC and Directive n°2009/29/EC

**Amendment 2**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

(1) The Climate and Energy Package<sup>17</sup> **demand**s contributions of all sectors of the economy to achieving these emission reductions, **except** international maritime shipping, **but** provides a clear mandate: "...in the event that no international agreement which includes international maritime emissions in its reduction targets through the International Maritime Organisation has been approved by Member States or no such agreement through the UNFCCC has been approved by the Community by 31 December 2011, the Commission should make a proposal to include international maritime emissions in the Community reduction commitment, with the aim of the proposed act entering into force by 2013. Such a proposal should minimise any negative impact on the Community's competitiveness while taking into account the potential environmental benefits."

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<sup>17</sup> Decision n°406/2009/EC and Directive n°2009/29/EC

***(1a) International maritime shipping remains the only means of transportation not included in the Union's commitment to reduce greenhouse gas emissions. According to the impact assessment accompanying the proposal for this Regulation Union-related carbon dioxide emissions from international shipping increased with 48% between 1990 and 2008.***

### Amendment 3

#### Proposal for a regulation Recital 1 b (new)

*Text proposed by the Commission*

*Amendment*

***(1b) In 2011 the Commission White Paper on transport established an emissions reduction target of 40% in 2050 compared to 2005 for Union international maritime shipping.***

### Amendment 4

#### Proposal for a regulation Recital 2

*Text proposed by the Commission*

*Amendment*

(2) In July 2011, the International Maritime Organisation (IMO) adopted technical and operational measures, in particular the Energy Efficiency Design Index (EEDI) for new ships and the Ship Energy Efficiency Management Plan (SEEMP), which will bring improvement in terms of reducing the expected increase in greenhouse gas emissions, but alone cannot lead to the necessary absolute emission reductions of greenhouse gases from international shipping to keep efforts in line with the global objective of limiting increases in global temperatures to 2°C.

(2) In July 2011, the International Maritime Organisation (IMO) adopted technical and operational measures, in particular the Energy Efficiency Design Index (EEDI) for new ships and the Ship Energy Efficiency Management Plan (SEEMP), which will bring improvement in terms of reducing the expected increase in greenhouse gas emissions, but alone cannot lead to the necessary absolute emission reductions of greenhouse gases from international shipping to keep efforts in line with the global objective of limiting increases in global temperatures to 2°C. ***Even when accounting for these IMO measures world trade projections show that EU-related emissions from shipping will rise with an additional 51% to 2050 compared to 2010 levels indicating that additional measures are needed.***

## Amendment 5

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

*Amendment*

***(11) The Union MRV system should also cover other climate relevant information allowing for the determination of ships' efficiency or further analyse the drivers for the development of emissions. This scope also aligns the Union MRV system with international initiatives to introduce efficiency standards for existing ships, also covering operational measures, and contributes to the removal of market barriers related to the lack of information.***

*deleted*

## Amendment 6

### Proposal for a regulation Recital 24 a (new)

*Text proposed by the Commission*

*Amendment*

***(24a) The Union has refrained from setting reduction targets for international maritime shipping pending a global agreement. A global commitment would be preferable to unilateral Union action since a broader scope would be more effective to achieve emission reductions.***

## Amendment 7

### Proposal for a regulation Recital 24 b (new)

*Text proposed by the Commission*

*Amendment*

***(24b) The Union has not yet set CO2 reduction targets for international maritime shipping as a global agreement in the framework of the IMO in this area***

*would be preferable. However, in case that an agreement at the global level cannot be reached before the end of 2015, the European Commission should assess the possibilities of creating a union-wide target for CO2 reduction for international maritime shipping and possible support mechanisms.*

## **Amendment 8**

### **Proposal for a regulation Recital 25**

*Text proposed by the Commission*

*Amendment*

*(25) In order to make use of the best available practices and scientific evidence, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of reviewing certain technical aspects of monitoring and reporting of CO2 emissions from ships and of further specifying rules for the verification of emission reports and the accreditation of verifiers. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.*

*deleted*

## **Amendment 9**

### **Proposal for a regulation Recital 26**

*Text proposed by the Commission*

*Amendment*

*(26) In order to ensure uniform conditions for the use of automated*

*deleted*

*systems and standard electronic templates for coherent reporting of emissions and other climate-relevant information to the Commission and involved States implementing powers should be conferred on the Commission. Those necessary implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>23</sup>.*

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<sup>23</sup> OJ L 251, 18.9.2012, p. 49.

## **Amendment 10**

### **Proposal for a regulation**

#### **Article 1**

##### *Text proposed by the Commission*

This Regulation lays down rules for the accurate monitoring, reporting and verification of carbon dioxide (CO<sub>2</sub>) emissions *and other climate relevant information* from ships arriving at, within or departing from ports under the jurisdiction of a Member State in order to promote the reduction of CO<sub>2</sub> emissions from maritime transport in a cost effective manner.

##### *Amendment*

This Regulation lays down rules for the accurate monitoring, reporting and verification of carbon dioxide (CO<sub>2</sub>) emissions from ships arriving at, within or departing from ports under the jurisdiction of a Member State in order to promote the reduction of CO<sub>2</sub> emissions from maritime transport in a cost effective manner.

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 3 – point g**

##### *Text proposed by the Commission*

*(g) ‘other climate-relevant information’ means information related to the consumption of fuels, transport work and*

##### *Amendment*

*deleted*



*energy efficiency of ships which allow for analysing emission trends and assessing ships' performances;*

## **Amendment 12**

### **Proposal for a regulation Article 4 – paragraph 2**

*Text proposed by the Commission*

2. Monitoring and reporting shall **be complete and** cover **all** emissions from the combustion of fuels. Companies shall apply appropriate measures to prevent any data gaps within the reporting period.

*Amendment*

2. Monitoring and reporting shall cover **CO<sub>2</sub>** emissions from the combustion of fuels, **while the ship is at sea as well as at berth**. Companies shall apply appropriate measures to prevent any data gaps within the reporting period.

## **Amendment 13**

### **Proposal for a regulation Article 6 – paragraph 1**

*Text proposed by the Commission*

1. By 31 August **2017**, companies shall submit to the verifiers a monitoring plan indicating the method chosen to monitor and report emissions and other climate-relevant information for each of their ships above 5000 GT.

*Amendment*

1. By 31 August **2015**, companies shall submit to the verifiers a monitoring plan indicating the method chosen to monitor and report emissions and other climate-relevant information for each of their ships above 5000 GT.

## **Amendment 14**

### **Proposal for a regulation Article 6 – paragraph 2**

*Text proposed by the Commission*

2. By way of derogation from paragraph 1, for ships falling under the scope of this Regulation for the first time after 1 January **2018**, the company shall submit a monitoring plan to the verifier without undue delay and no later than two months after their first call in a port under the

*Amendment*

2. By way of derogation from paragraph 1, for ships falling under the scope of this Regulation for the first time after 1 January **2016**, the company shall submit a monitoring plan to the verifier without undue delay and no later than two months after their first call in a port under the

jurisdiction of a Member State.

jurisdiction of a Member State.

#### **Amendment 15**

##### **Proposal for a regulation**

##### **Article 6 – paragraph 3 – point h – point i**

*Text proposed by the Commission*

*Amendment*

*(i) the procedures, responsibilities and data sources for determining and recording the distance per voyage made;*

*deleted*

#### **Amendment 16**

##### **Proposal for a regulation**

##### **Article 6 – paragraph 3 – point h – point ii**

*Text proposed by the Commission*

*Amendment*

*(ii) the procedures, responsibilities, formulae and data sources for determining and recording the cargo carried and the number of passengers as applicable;*

*deleted*

#### **Amendment 17**

##### **Proposal for a regulation**

##### **Article 6 – paragraph 3 – point h – point iii**

*Text proposed by the Commission*

*Amendment*

*(iii) the procedures, responsibilities, formulae and data sources for determining and recording the time spent at sea between the port of departure and the port of arrival;*

*deleted*

#### **Amendment 18**

##### **Proposal for a regulation**

##### **Article 8**

*Text proposed by the Commission*

From 1 January **2018**, companies shall, based on the monitoring plan approved in accordance with Article 13(1), monitor emissions for each ship on a per-voyage and an annual basis by applying the appropriate method among those set out in part B of Annex I and by calculating emissions in accordance with part A of Annex I

*Amendment*

From 1 January **2016**, companies shall, based on the monitoring plan approved in accordance with Article 13(1), monitor emissions for each ship on a per-voyage and an annual basis by applying the appropriate method among those set out in part B of Annex I and by calculating emissions in accordance with part A of Annex I

**Amendment 19**

**Proposal for a regulation**  
**Article 9 – point b**

*Text proposed by the Commission*

(b) amount and emission factor for each type of fuel consumed in total ***and differentiated between fuel used inside and outside emission control areas;***

*Amendment*

(b) amount and emission factor for each type of fuel consumed in total;

**Amendment 20**

**Proposal for a regulation**  
**Article 9 – point d**

*Text proposed by the Commission*

***(d) distance travelled;***

*Amendment*

***deleted***

**Amendment 21**

**Proposal for a regulation**  
**Article 9 – point e**

*Text proposed by the Commission*

***(e) time spent at sea;***

*Amendment*

***deleted***

## Amendment 22

### Proposal for a regulation

#### Article 9 – point f

*Text proposed by the Commission*

*Amendment*

**(f) cargo carried;**

***deleted***

## Amendment 23

### Proposal for a regulation

#### Article 9 – point g</Article>

*Text proposed by the Commission*

*Amendment*

**(g) transport work.**

***deleted***

## Amendment 24

### Proposal for a regulation

#### Article 9 – subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***By way of derogation from the first paragraph, vessels exclusively operating within the scope of this Regulation are exempt from monitoring emissions on a per-voyage basis.***

## Amendment 25

### Proposal for a regulation

#### Article 10 – point a

*Text proposed by the Commission*

*Amendment*

(a) amount and emission factor for each type of fuel consumed in total ***and differentiated between fuel used inside and outside emission control areas;***

(a) amount and emission factor for each type of fuel consumed in total;

**Amendment 26**

**Proposal for a regulation**  
**Article 10 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) total distance travelled;**

*deleted*

**Amendment 27**

**Proposal for a regulation**  
**Article 10 – point h**

*Text proposed by the Commission*

*Amendment*

**(h) total time spent at sea;**

*deleted*

**Amendment 28**

**Proposal for a regulation**  
**Article 10 – point i**

*Text proposed by the Commission*

*Amendment*

**(i) total transport work;**

*deleted*

**Amendment 29**

**Proposal for a regulation**  
**Article 10 – point j**

*Text proposed by the Commission*

*Amendment*

**(j) average energy efficiency.**

*deleted*

## Amendment 30

### Proposal for a regulation Article 11 – paragraph 1

*Text proposed by the Commission*

1. From **2019**, by 30 April of each year, companies shall submit to the Commission and to the authorities of the flag States concerned, an emission report concerning the emissions and other climate-relevant information during the entire reporting period for each ship under their responsibility, which has been verified as satisfactory by a verifier in accordance with the requirements referred to in Article 14.

*Amendment*

1. From **2017**, by 30 April of each year, companies shall submit to the Commission and to the authorities of the flag States concerned, an emission report concerning the **CO<sub>2</sub>** emissions and other climate-relevant information during the entire reporting period for each ship under their responsibility, which has been verified as satisfactory by a verifier in accordance with the requirements referred to in Article 14.

## Amendment 31

### Proposal for a regulation Article 13 – paragraph 5

*Text proposed by the Commission*

5. In particular the verifier shall ensure that the emissions **and other climate-relevant information** included in the emission report have been determined in accordance with Articles 8, 9 and 10 and the monitoring plan referred to in Article 6. The verifier shall also ensure that the emissions **and other climate-relevant information** declared in the reports are consistent with data calculated from other sources in accordance with Annexes I and II.

*Amendment*

3. In particular the verifier shall ensure that the **CO<sub>2</sub>** emissions included in the emission report have been determined in accordance with Articles 8, 9 and 10 and the monitoring plan referred to in Article 6. The verifier shall also ensure that the **CO<sub>2</sub>** emissions declared in the reports are consistent with data calculated from other sources in accordance with Annexes I and II.

## Amendment 32

### Proposal for a regulation Article 14 – paragraph 2 – point h

*Text proposed by the Commission*

**(h) the calculations leading to the**

*Amendment*

**deleted**

*determination of the energy efficiency.*

### **Amendment 33**

#### **Proposal for a regulation**

##### **Article 18**

###### *Text proposed by the Commission*

From 30 June **2019** ships arriving at, within or departing from a port under the jurisdiction of a Member State shall carry on board a valid document certifying the ship's compliance with the reporting and monitoring obligations for the concerned reporting period, issued in accordance with Article 17.

###### *Amendment*

From 30 June **2017** ships arriving at, within or departing from a port under the jurisdiction of a Member State shall carry on board a valid document certifying the ship's compliance with the reporting and monitoring obligations for the concerned reporting period, issued in accordance with Article 17.

### **Amendment 34**

#### **Proposal for a regulation**

##### **Article 20 – paragraph 1**

###### *Text proposed by the Commission*

1. Member States shall lay down a system of penalties for failure to comply with the monitoring and reporting requirements set out in Articles 8 to 12 and shall take all the measures necessary to ensure that those penalties are applied. The penalties provided for shall be no less stringent than those foreseen under national legislation on greenhouse gas emissions in case of non-compliance with reporting obligations by operators and be effective, proportionate and dissuasive. Member States shall notify these provisions to the Commission by 1 July **2017**, and shall notify any subsequent amendments affecting these provisions to the Commission without delay.

###### *Amendment*

1. Member States shall lay down a system of penalties for failure to comply with the monitoring and reporting requirements set out in Articles 8 to 12 and shall take all the measures necessary to ensure that those penalties are applied. The penalties provided for shall be no less stringent than those foreseen under national legislation on greenhouse gas emissions in case of non-compliance with reporting obligations by operators and be effective, proportionate and dissuasive. Member States shall notify these provisions to the Commission by 1 July **2015**, and shall notify any subsequent amendments affecting these provisions to the Commission without delay.

### **Amendment 35**

#### **Proposal for a regulation**

##### **Article 21 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) annual average fuel consumption and greenhouse gas emissions per distance travelled of voyages falling within the scope of this Regulation;*** *deleted*

### **Amendment 36**

#### **Proposal for a regulation**

#### **Article 21 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

***(g) annual average fuel consumption and greenhouse gas emissions per distance travelled and cargo carried on voyages falling within the scope of this Regulation;*** *deleted*

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 21 – paragraph 2 – point h**

*Text proposed by the Commission*

*Amendment*

***(h) annual total time spent at sea in voyages falling within the scope of this Regulation;*** *deleted*

### **Amendment 38**

#### **Proposal for a regulation**

#### **Article 21 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Commission shall publish an annual report on emissions ***and other climate-relevant information*** from maritime

3. The Commission shall publish an annual report on ***CO<sub>2</sub>*** emissions from maritime



transport.

transport.

### **Amendment 39**

#### **Proposal for a regulation Article 22 – paragraph 3**

*Text proposed by the Commission*

3. Where an international agreement on global measures to reduce greenhouse gas emissions from maritime transport is reached, the Commission *shall review this Regulation and may, if appropriate, propose amendments to this Regulation.*

*Amendment*

3. Where an international agreement on global measures to reduce greenhouse gas emissions from maritime transport is reached, the Commission *undertakes to propose immediately the incorporation of the internationally agreed provisions into Community law.*

### **Amendment 40**

#### **Proposal for a regulation Article 23**

*Text proposed by the Commission*

##### *Article 23*

##### *Delegation of powers*

*The power to adopt delegated acts in order to supplement and amend the provisions of Annexes I and II to take into account up-to-date scientific evidence available, as well as the relevant data available on board of ships and the relevant international rules and internationally accepted standards, to identify the most accurate and efficient methods for monitoring of emissions, and to improve the accuracy of the information requested related to the monitoring and reporting of emissions is conferred on the Commission subject to the conditions laid down under Article 24 to the extent it concerns non-essential elements of this Regulation.*

*Amendment*

*deleted*

## *Justification*

*Pending an international agreement on the adoption of global measures, it is not appropriate to allow the Commission to short-circuit the co-legislators by means of excessive delegated powers and implementing powers.*

### **Amendment 41**

#### **Proposal for a regulation**

#### **Article 24**

*Text proposed by the Commission*

*Amendment*

#### *Article 24*

*deleted*

#### *Exercise of delegation*

- 1. The power to adopt delegated acts referred to in Articles 15, 16 and 23 shall be conferred on the Commission for a period of five years from 1 July 2015.*
- 2. The delegation of power referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
- 3. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
- 4. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both*

***informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.***

*Justification*

*Pending an international agreement on the adoption of global measures, it is not appropriate to allow the Commission to short-circuit the co-legislators by means of excessive delegated powers and implementing powers.*

**Amendment 42**

**Proposal for a regulation  
Article 25**

*Text proposed by the Commission*

*Amendment*

*Article 25*

*deleted*

***Implementing acts***

***1. The Commission shall be assisted by the Committee established by Article 8 of Decision 93/389/EC. That Committee shall be a committee within the meaning of Regulation (EU) N° 182/2011.***

***2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***

*Justification*

*Pending an international agreement on the adoption of global measures, it is not appropriate to allow the Commission to short-circuit the co-legislators by means of excessive delegated powers and implementing powers.*

**Amendment 43**

**Proposal for a regulation  
Article 27**

*Text proposed by the Commission*

*Amendment*

This Regulation shall enter into force on 1 July **2015**.

This Regulation shall enter into force on 1 July **2014**.

**Amendment 44**

**Proposal for a regulation**  
**Annex II**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

## PROCEDURE

<b>Title</b>	Monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amendment of Regulation (EU) No 525/2013
<b>References</b>	COM(2013)0480 – C7-0201/2013 – 2013/0224(COD)
<b>Committee responsible</b> Date announced in plenary	ENVI 4.7.2013
<b>Opinion by</b> Date announced in plenary	ITRE 4.7.2013
<b>Rapporteur</b> Date appointed	Marita Ulvskog 4.9.2013
<b>Date adopted</b>	9.1.2014
<b>Result of final vote</b>	+: 24 -: 14 0: 1
<b>Members present for the final vote</b>	Josefa Andrés Barea, Jean-Pierre Audy, Ivo Belet, Bendt Bendtsen, Jan Březina, Maria Da Graça Carvalho, Pilar del Castillo Vera, Christian Ehler, Norbert Glante, Fiona Hall, Kent Johansson, Romana Jordan, Marisa Matias, Jaroslav Paška, Miloslav Ransdorf, Herbert Reul, Jens Rohde, Paul Rübig, Amalia Sartori, Konrad Szymański, Patrizia Toia, Evžen Tošenovský, Claude Turmes, Marita Ulvskog, Vladimír Urutchev, Alejo Vidal-Quadras, Zbigniew Zaleski
<b>Substitute(s) present for the final vote</b>	Jerzy Buzek, Elisabetta Gardini, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Seán Kelly, Zofija Mazej Kukovič, Vladko Todorov Panayotov, Lambert van Nistelrooij
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Sandrine Bélier, Jean Lambert