

## ANAVE – Circular de Régimen Interior

Madrid, 12 de mayo de 2022  
Ref: UE 1/2022/AP

### Asunto: Directiva ETS. Enmiendas acordadas en la Comisión de Medioambiente (ENVI) del Parlamento Europeo

Muy Srs. nuestros:

Les adjuntamos las enmiendas de compromiso, acordadas en la Comisión de Medioambiente (ENVI) del Parlamento Europeo (PE), a la propuesta de modificación de la Directiva por la que se incluye al transporte marítimo en el mercado de derechos de emisión de carbono (ETS).

En general, las enmiendas endurecen considerablemente la propuesta presentada por la Comisión Europea en julio del año pasado. Los pocos aspectos positivos son:

- **Enmienda de compromiso 16 (CA 16) – pág. 128 y ss.:** Establece la introducción de una cláusula en los contratos de fletamento por tiempo para repercutir los costes del ETS al operador comercial del buque.
- **CA 17 – pág. 131 y ss.:** Crea el *Ocean Fund*.
  - o El 75 % de los ingresos del ETS y el 100% de las sanciones del FuelEU Marítimo deben asignarse a este fondo, que se reinvertirá en proyectos del sector marítimo.
  - o Las empresas podrán optar a hacer una contribución a este fondo para evitar la burocracia asociada al ETS (adquisición de los derechos de emisión). Esta contribución será igual a las toneladas emitidas por el precio máximo de los derechos de emisión del año anterior. Al calcularse sobre el precio máximo, el interés de esta modificación es limitado.

Resulta muy negativo sin embargo:

- **CA 14 – pág. 107 y ss.:**
  - o Amplía el ámbito de aplicación al metano (CH<sub>4</sub>) y el óxido nitroso (N<sub>2</sub>O), además del CO<sub>2</sub>. Se modifica también el MRV para incluir la obligación de informar sobre estas emisiones.
  - o Incluye en el ámbito de aplicación a los buques desde 400 GT a partir de 2027. Para ello modifica también el reglamento MRV y a partir de 2024, los buques entre 400 y 5.000 GT deberán informar de sus emisiones en el MRV (hasta ahora exentos).
  - o También incluye en el sistema a los buques que realicen actividades de servicio para instalaciones offshore a partir de 2024.
- **CA 15 – pág. 119 y ss.:** Establece un régimen más favorable para los buques preparados para navegar por hielo y las **regiones ultraperiféricas (Canarias)**. En el caso de los tráficos entre la península y Canarias (pág. 127), y solo hasta 2030, un 25% de las emisiones de GEI queda exento. **Esto no incluye los viajes entre dos puertos canarios, que pagarían por el 100%, y no se recogen otras exenciones.**
- **CA 18 – pág. 137 y ss.:**
  - o Elimina el período de transición: a partir de 2024, se deberán entregar derechos por el 100% de las emisiones en puerto y viajes intracomunitarios y el 50 % de las correspondientes a viajes extracomunitarios.

- A partir de 2027 se amplía al 100% de los viajes desde / hacia terceros Estados, salvo que el Estado en cuestión haya adoptado medidas equivalentes que pongan un precio a las emisiones del transporte marítimo.
- Con el fin de evitar la fuga de carbono, se establece un régimen especial en los puertos de transbordo y se especifica que la toma de combustible en un tercer país, por ejemplo en Gibraltar, no interrumpe el viaje a efectos de contabilizar las emisiones.
- Si la OMI adopta una medida de mercado equivalente la Comisión deberá evaluarla y presentar un informe sobre la misma al Parlamento y Consejo, en el que 'podrá' (no deberá) proponer una modificación de esta Directiva.
- No más tarde de finales de 2028, la Comisión deberá publicar un estudio de impacto de esta Directiva en los costes del transporte; posibles distorsiones del mercado y cambios en las matrices de orígenes y destino; fugas de carbono; y los efectos adversos en los servicios de transporte marítimo que prestan servicios esenciales de cohesión territorial.

Al ser enmiendas de compromiso acordadas por el ENVI, la Comisión que lidera el trámite de esta Directiva en el PE, **se espera que sean aprobadas en dicha comisión parlamentaria el 17 de mayo. La votación en el pleno está prevista para la semana del 6 de junio.**

Tanto en el ENVI como en el Pleno se votarán otras propuestas de enmienda presentadas por otras Comisiones del PE, en particular la de Transportes, que tienen un enfoque mucho más flexible. En contacto con algunos europarlamentarios del TRAN nos han indicado que tienen la intención de hacer especialmente presión para eximir del ámbito de aplicación a las regiones ultraperiféricas y establecer un tratamiento más flexible aplicable a los tráficos con las islas.

En todo caso, la aprobación en el pleno no implicaría la adopción definitiva de la norma, que deberá ser discutida por el Consejo dentro del trámite de codecisión de las instituciones europeas.

Muy cordialmente,

Elena Seco

Directora General

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## CA 14 to 18: ETS Maritime + MRV

### CA 14: ETS Maritime - Scope (GHGs and ships covered)

(Art. 3 a ETS; Art/ 1+2+3 MRV Annex I)

supported by EPP, S&D, RE, Greens, ID, ECR, The Left

#### Compromise Amendment 14

Compromise amendment replacing Amendments 7, 46, 664, 689-699, 701-702; 704-709 (article 3g(1)) 5, 37, 110, 684-687, 751, 786, 1316, 1326, 1327, 1587-1597, 1599-1602, 1606, 1631, 1632, 1661- 1665; TRAN 115, TRAN 123 (recital 14a); 7, 192-193 194-196 , TRAN 2, TRAN 5, TRAN 14 (recital 15); 632-635, TRAN 46-47, (recital 67)

#### GHG Covered

##### Proposal for a directive

##### Article 3 – paragraph 1 – point -1 (new)

Regulation (EU) 2015/757

Title

##### *Present text*

Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC

##### *Amendment*

##### ***(-1) The title is replaced by the following:***

“Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of **greenhouse gas** emissions from maritime transport, and amending Directive 2009/16/EC”

Or. en

##### Proposal for a directive

##### Article 3 – paragraph 1 – point -1 a (new)

Regulation (EU) 2015/757

Introductory statement

*Present text*

*Amendment*

***“The following paragraph is inserted after the title”:***

***(-1a) Throughout the Regulation, [except in the cases referred to in Article 5(1) of and Annex I to the Regulation,] the term 'CO<sub>2</sub>' is replaced by 'greenhouse gas' and any necessary grammatical changes are made.***

Or. en

**Proposal for a directive**

**Article 3 – paragraph 1 – point -1 b (new)**

Regulation (EU) 2015/757

Article 1

*Present text*

*Amendment*

***(-1b) Article 1 is replaced by the following:***

Article 1 - Subject matter

This Regulation lays down rules for the accurate monitoring, reporting and verification of ***carbon dioxide (CO<sub>2</sub>)*** emissions and of other 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.

“Article 1 - Subject matter

This Regulation lays down rules for the accurate monitoring, reporting and verification of ***greenhouse gas*** emissions and of other 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 ***such*** emissions from maritime transport in a cost effective manner.”

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. en

**Article 3 – paragraph 1 – point -1 c (new)**

Regulation (EU) 2015/757

Article 3 – paragraph 1 – point a

*Present text*

(a) ‘**CO<sub>2</sub>** emissions’ means the release of CO<sub>2</sub> into the atmosphere *by ships*;

*Amendment*

**(-1c) In Article 3, point (a) is replaced by the following:**

“(a) ‘**greenhouse gas** emissions’ means the release of **carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxides (N<sub>2</sub>O)** into the atmosphere;”

Or. en

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 a (new)**  
Regulation (EU) 2015/757

Article 5 – paragraph 2 a (new)

*Present text*

*Amendment*

**(3a) In Article 5, the following paragraph is added:**

**“2a. By 1 July 2023, the Commission shall adopt delegated acts in accordance with Article 23 in order to supplement this Regulation by specifying the methods for determining and reporting greenhouse gas emissions other than CO<sub>2</sub>. Such methods shall be based on the same principles as the methods for monitoring CO<sub>2</sub> emissions as set out in Annex I, with the adjustments necessary due to the nature of the relevant greenhouse gas emissions.”;**

Or. en

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 6**  
Regulation (EU) 2015/757

Article 3gb – paragraph 1

*Text proposed by the Commission*

In respect of emissions from maritime transport activities listed in Annex I, the administering authority shall ensure that a shipping company under its responsibility monitors and reports the relevant parameters during a reporting period, and submits aggregated emissions data at company level to the administering authority in line with Chapter II of Regulation (EU) 2015/757 of the European Parliament and of the Council (\*).

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(\*) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

*Amendment*

In respect of emissions from maritime transport activities listed in Annex I, the administering authority shall ensure that a shipping company under its responsibility monitors and reports the relevant parameters during a reporting period, and submits aggregated emissions data at company level to the administering authority in line with Chapter II of Regulation (EU) 2015/757 of the European Parliament and of the Council (\*).

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(\*) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

Or. en

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Annex I - table - row 30

*Text proposed by the Commission*

“Maritime transport

Maritime transport activities of ships covered by Regulation (EU) 2015/757 of the European Parliament and of the Council performing voyages with the purpose of transporting passengers or cargo for commercial purposes

**Greenhouse gases covered by** Regulation (EU) 2015/757”;

*Amendment*

“Maritime transport

**Carbon dioxide (CO<sub>2</sub>), nitrous oxides (N<sub>2</sub>O)  
and methane (CH<sub>4</sub>) in line  
with Regulation (EU) 2015/757”**

Maritime transport activities of ships covered by Regulation (EU) 2015/757 of the European Parliament and of the Council performing voyages with the purpose of transporting passengers or cargo for commercial purposes

Or. en

**Ships covered**

**Proposal for a directive**

**Article 3 – paragraph 1 – point -1 a (new)**

Regulation (EU) 2015/757 **MRV**

Article 2 - paragraph 1

*Present text*

1. This Regulation applies to ships **above** 5 000 gross tonnage in respect of **CO<sub>2</sub>** emissions released during their voyages from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State.

*Amendment*

**(-1a) in Article 2, paragraph 1 is replaced by the following:**

“1. This Regulation applies to ships **of** 5 000 gross tonnage **and above** in respect of **greenhouse gas** emissions released during their voyages from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State.

**1a. From 1 January 2024, this Regulation shall apply to ships of 400 gross tonnage and above in respect of greenhouse gas emissions released during their voyages from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a**

**Comentado [LC1]:** Compromise part 1: MRV inclusion from 2024 to collect data

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4**  
Directive 2003/87/EC ETS

Article 3 a - paragraph 1

*Text proposed by the Commission*

Articles 3b to 3f shall apply to the allocation and issue of allowances in respect of the aviation activities listed in Annex I. Articles 3g to 3ge shall apply in respect of the maritime transport activities listed in Annex I.

**Member State to their next port of call, as well as between ports of call under the jurisdiction of a Member State. However, ships of 400 gross tonnage and above but of less than 5 000 gross tonnage shall only be required to report the information which is relevant for the inclusion of such ships within the scope of the EU ETS by 1 January 2028.”;**

Or. en

*Amendment*

Articles 3b to 3f shall apply to the allocation and issue of allowances in respect of the aviation activities listed in Annex I. Articles 3g to 3ge shall apply **to the allocation and issue of allowances** in respect of the maritime transport activities listed in Annex I, **in respect of emissions from ships above 5 000 gross tonnage.**

**From 1 January 2027 Articles 3g to 3ge shall apply to the allocation and issue of allowances in respect of the maritime transport activities listed in Annex I carried out by ships of 400 gross tonnage and above. By [that date], the Commission shall carry out an assessment of the level-playing field for all ships and the avoidance of possible unwanted adverse effects on greenhouse gas emissions resulting from the possible replacement of ships above 5 000 gross tonnage by several ships of a gross tonnage below that threshold in the absence of lowering the threshold. The Commission shall, where appropriate, accompany that assessment with a legislative proposal to amend this Directive.**

**Comentado [MD2]:** Compromise part 2: light MRV for these ships, as proposed by T&E, requiring to monitor and report the data required for future ETS inclusion but not other extra data.

If agreed by a majority, this would be aligned in the drafting as follows (as proposed by T&E):

In article 6, the following paragraph is added:  
6 (new): By way of derogation from paragraph 3, monitoring plans for ships between 400 and 5,000 GT shall contain at least the following elements:

- (a) the identification and type of the ship, including its name, its IMO identification number, its port of registry or home port, and the name of the shipowner;
- (b) the name of the company and the address, telephone and e-mail details of a contact person;
- (c) a description of the following CO2 emission sources on board the ship: main engines, auxiliary engines, gas turbines, boilers and inert gas generators, and the fuel types used;
- (d) a description of the procedures, systems and responsibilities used to update the list of CO2 emission sources over the reporting period;
- (e) a description of the procedures for monitoring the fuel consumption of the ship, including the method chosen from among those set out in Annex I for calculating the fuel consumption of each CO2 emission source, including, where applicable, a description of the measuring equipment used,
- (f) a revision record sheet to record all the details of the revision history.

In Article 10, the following paragraph is added:  
2. (new) By way of derogation from paragraph 1 of this Article, companies shall monitor in accordance with Part A of Annex I and with Part B of Annex II the following parameters for ships between 400 and 5000 GT:

- (a) amount and emission factor for each type of fuel consumed in total;
- (b) total aggregated CO2 emitted within the scope of this Regulation;

***By 31 December 2024, the Commission, supported by the European Scientific Advisory Board on Climate Change referred in Article 3 of Regulation (EU) 2021/1119, shall assess, and report to the European Parliament and to the Council on the impact on the global climate of greenhouse gas emissions other than CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O and of particles with a global warming potential, from ships arriving at, within or departing from ports under the jurisdiction of a Member State. That report shall be accompanied, where appropriate, by a legislative proposal to address the question of how to deal with such emissions and particles.***

Or. en

**Proposal for a directive**

**Article 3 – paragraph 1 – point -1 a (new)**

Regulation (EU) 2015/757

Article 2 - paragraph 2

*Text proposed by the Commission*

2. This Regulation does not apply to 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.***

*Amendment*

2. This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, ships not propelled by mechanical means, government ships used for non-commercial purposes ***or ships for civil protection and search and rescue purposes.***

Or. en

**Proposal for a directive**

**Article 3 – paragraph 1 – point -1 b (new)**

Regulation (EU) 2015/757

Article 3 - paragraph 1 - point c

*Present text*

(c) 'voyage' means any movement of a ship that originates from or terminates in a port of call and that serves the purpose of transporting passengers or cargo for commercial purposes;

*Amendment*

***(-1b) in Article 3, point (c) is replaced by the following:***

***"(c) 'voyage' means any movement of a ship that originates from or terminates in a port of call or structure situated on the continental shelf of a Member State, such as offshore supply services, and that serves the purpose of transporting passengers or cargo for commercial purposes or performing service activities for offshore installations;"***

Or. en

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 - point d**  
Regulation (EU) 2015/757

Article 3 - paragraph 1 - point v a (new)

*Text proposed by the Commission*

*Amendment*

***(va) 'voyage' means a voyage as defined in Article 3, point (c), of Regulation (EU) 2015/757;***

Or. en

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4**  
Directive 2003/87/EC

Annex I - table - last row -column 1

*Text proposed by the Commission*

*Amendment*

Maritime transport

Maritime transport activities of ships covered by Regulation (EU) 2015/757 of

Maritime transport

Maritime transport activities of ships covered by Regulation (EU) 2015/757 of

the European Parliament and of the Council performing voyages with the purpose of transporting passengers *or* cargo for commercial purposes.

the European Parliament and of the Council performing voyages with the purpose of transporting passengers, cargo for commercial purposes *and, from 2024, performing service activities for offshore installations*

Or. en

## Recitals

### Proposal for a directive Recital 14 a (new)

*Text proposed by the Commission*

*Amendment*

**(14a)** *International maritime transport is the only means of transportation that has not been included in the Union's commitment to reduce greenhouse gas emissions, despite the fact that the European Parliament has repeatedly called for all sectors of the economy to contribute to the joint effort to complete the transition to net-zero greenhouse gas emissions as soon as possible and by 2050 at the latest, in line with the Union's commitments under the Paris Agreement. CO<sub>2</sub> remains the dominant cause of maritime transport's climate impact when calculated on a global warming-potential 100-year basis, accounting for 98 %, or, if black carbon is included, 91 %, of total international greenhouse gas emissions in CO<sub>2</sub> equivalents. However, according to a report entitled 'Fourth IMO Greenhouse Gas Study' of the International Maritime Organization (IMO), published in 2020, there was an 87 % increase of methane (CH<sub>4</sub>) over the period from 2012 to 2018. Therefore, and in line with the amendments adopted by the European Parliament on 16 September 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2015/757, in order*

***to take appropriate account of the global data collection system for ship fuel oil consumption data, both CO<sub>2</sub> and CH<sub>4</sub> emissions, as well as nitrous oxides (N<sub>2</sub>O), should be included in the extension of the EU ETS to maritime transport activities. Consequently, an administering authority should ensure that shipping companies monitor and report aggregated emissions data including the release of (CO<sub>2</sub>), CH<sub>4</sub> and N<sub>2</sub>O to ensure consistency with Regulation (EU) .../.... [FuelEU Maritime]. Furthermore, the Commission should by 31 December 2024 assess, and report to the European Parliament and to the Council on the impact on the global climate of greenhouse gas emissions other than CO<sub>2</sub>, N<sub>2</sub>O and CH<sub>4</sub> and of particles with a global warming potential, and, where appropriate, submit a legislative proposal on the inclusion of those emissions and particles from maritime transport activities in the scope of the EU ETS.***

Or. en

**Proposal for a directive  
Recital 15**

*Text proposed by the Commission*

(15) In 2013, the Commission adopted a strategy for progressively integrating maritime emissions into the Union's policy for reducing greenhouse gas emissions. As a first step in this approach, the Union established a system to monitor, report and verify emissions from maritime transport in Regulation (EU) 2015/757 of the European Parliament and of the Council<sup>47</sup>, to be followed by the laying down of reduction targets for the maritime sector and the application of a market based measure. In line with the commitment of the co-legislators expressed in Directive (EU) 2018/410 of the European Parliament and

*Amendment*

(15) In 2013, the Commission adopted a strategy for progressively integrating maritime emissions into the Union's policy for reducing greenhouse gas emissions. As a first step in this approach, the Union established a system to monitor, report and verify emissions from maritime transport in Regulation (EU) 2015/757 of the European Parliament and of the Council<sup>47</sup>, to be followed by the laying down of reduction targets for the maritime sector and the application of a market based measure. In line with the commitment of the co-legislators expressed in Directive (EU) 2018/410 of the European Parliament and

of the Council<sup>48</sup>, action by the International Maritime Organization (IMO) or the Union should start from 2023, including preparatory work on adoption and implementation of a measure ensuring that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement and due consideration being given by all stakeholders.

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<sup>47</sup> Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

<sup>48</sup> Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (OJ L 76, 19.3.2018, p. 3).

of the Council<sup>48</sup>, action by the International Maritime Organization (IMO) or the Union should start from 2023, including preparatory work on adoption and implementation of a measure ensuring that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement and due consideration being given by all stakeholders. ***In order to increase the environmental effectiveness of Union measures and avoid unfair competition and incentives for circumvention, the scope of Regulation (EU) 2015/757 should be amended to cover ships of 400 gross tonnage and above from 1 January 2027. In order to ensure there is a proportionate administrative burden, for ships of less than 5 000 gross tonnage operators should only be required to report the information which is relevant for future inclusion in the scope of the EU ETS, in particular the type of fuel, its carbon factor and energy density.***

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<sup>47</sup> Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

<sup>48</sup> Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (OJ L 76, 19.3.2018, p. 3).

Or. en

*Text proposed by the Commission*

(67) It is necessary to amend Regulation (EU) 2015/757 to take into account the inclusion of the maritime transport sector in the EU ETS. Regulation (EU) 2015/757 should be amended to oblige companies to report aggregated emissions data at company level and to submit for approval their verified monitoring plans and aggregated emissions data at company level to the responsible administering authority. In addition, the Commission should be empowered to adopt delegated acts to amend the methods for monitoring CO<sub>2</sub> emissions and the rules on monitoring, as well as any other relevant information set out in Regulation (EU) 2015/757, to ensure the effective functioning of the EU ETS at administrative level and to supplement Regulation (EU) 2015/757 with the rules for the approval of monitoring plans and changes thereof by administering authorities, with the rules for the monitoring, reporting and submission of the aggregated emissions data at company level and with the rules for the verification of the aggregated emissions data at company level and for the issuance of a verification report in respect of the aggregated emissions data at company level. The data monitored, reported and verified under Regulation (EU) 2015/757 might also be used for the purpose of compliance with other Union law requiring the monitoring, reporting and verification of the same ship information.

*Amendment*

(67) It is necessary to amend Regulation (EU) 2015/757 to take into account the inclusion of the maritime transport sector in the EU ETS. Regulation (EU) 2015/757 should be amended to oblige companies to report aggregated emissions data at company level and to submit for approval their verified monitoring plans and aggregated emissions data at company level to the responsible administering authority. In addition, the Commission should be empowered to adopt delegated acts to amend the methods for monitoring CO<sub>2</sub>, **CH<sub>4</sub>** and **N<sub>2</sub>O** emissions and the rules on monitoring, as well as any other relevant information set out in Regulation (EU) 2015/757, to ensure the effective functioning of the EU ETS at administrative level and to supplement Regulation (EU) 2015/757 with the rules for the approval of monitoring plans and changes thereof by administering authorities, with the rules for the monitoring, reporting and submission of the aggregated emissions data at company level and with the rules for the verification of the aggregated emissions data at company level and for the issuance of a verification report in respect of the aggregated emissions data at company level. The data monitored, reported and verified under Regulation (EU) 2015/757 might also be used for the purpose of compliance with other Union law requiring the monitoring, reporting and verification of the same ship information.

Or. en

## CA 15: ETS Maritime - Ice-class ships and outermost regions

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### Compromise Amendment 15

Compromise amendment replacing Amendments 42, 686, TRAN 65 (Article 3g-3ga), 1309-1317, TRAN 100 (article 12(3)(c) ice ships), 1318-1324, ITRE 49-50 (article 12(3)(2a) ice ships); 1603-1605, TRAN 117, TRAN 119, TRAN 120, TRAN 121, 1607-1616, 1618- 1629, 1707-1709, ITRE 55 (on ice ships); 228, 229, 232, 234, 235, 238, 239, TRAN 16, ITRE 6 (recital 20a)

### Ice-class ships

#### Proposal for a directive

##### Article 1 – paragraph 1 – point 15 - point c

Directive 2003/87/EC

Article 12 – paragraph 3 - subparagraph 1 - point c

#### *Text proposed by the Commission*

(c) each shipping company surrenders a number of allowances equal to its total emissions during the preceding calendar year, as verified in accordance with Article 3gc.

#### *Amendment*

(c) each shipping company surrenders a number of allowances equal to its total emissions during the preceding calendar year, as verified in accordance with Article 3gc.

***By way of derogation from point (c) of the first subparagraph, until 31 December 2029, shipping companies may surrender fewer allowances on the basis of the ice class of their ships or the fact their ships navigate in ice conditions or both in accordance with Annex Va.***

Or. en

#### Proposal for a directive

##### Article 1 – paragraph 1 – point 4 - point -a (new)

Regulation (EU) 2015/757

Article 6 - paragraph 4

*Present text*

4. The monitoring plan *may* also contain information on the ice class of the ship and/or the procedures, responsibilities, formulae and data sources for determining and recording the distance travelled and the time spent at sea when navigating through ice.

*Amendment*

**(-a) in Article 6, paragraph 4 is replaced by the following:**

**"4. For shipping companies aiming to surrender fewer emission allowances on the basis of their ships' ice class or their ships' navigation in ice conditions or both under Directive 2003/87/EC the monitoring plan *shall* also contain information on the ice class of the ship and/or the procedures, responsibilities, formulae and data sources for determining and recording the distance travelled and the time spent at sea when navigating through ice.";**

Or. en

**Proposal for a directive  
Article 3 – paragraph 1 – point 5 a (new)  
Regulation (EU) 2015/757**

Article 9 - paragraph 1 - subparagraph 2

*Present text*

Companies may also monitor information relating to the ship's ice class and to navigation *through ice*, where applicable.

*Amendment*

**(5a) in Article 9(1), the second subparagraph is replaced by the following:**

**"Companies may also monitor information relating to the ship's ice class and to navigation *in ice conditions*, where applicable. *For shipping companies that wish to surrender fewer emission allowances on the basis of their ships' ice class or navigation in ice conditions or both under Directive 2003/87/EC, monitoring shall include information on whether the voyage involved navigation in ice conditions, including information on the date, time, and location of the navigation in ice conditions, the method***

*used to measure fuel oil consumption, fuel consumption and the fuel's emission factor for each type of fuel when navigating in ice conditions, and the distance travelled when navigating in ice conditions. Information on whether the voyage occurs between ports under the jurisdiction of a Member State, departs from a port under the jurisdiction of a Member State or arrives in a port under the jurisdiction of a Member State shall also be provided.";*

Or. en

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 6 a (new)**  
Regulation (EU) 2015/757

Article 10 - paragraph 2

*Text proposed by the Commission*

Companies may monitor information relating to the ship's ice class and to navigation through ice, where applicable.

*Amendment*

***(6a) in Article 10, the second paragraph is replaced by the following:***

*"Companies may monitor information relating to the ship's ice class and to navigation through ice, where applicable. For shipping companies that wish to surrender fewer emission allowances on the basis of their ships' ice class or navigation in ice conditions or both, under Directive 2003/87/EC, monitoring shall include aggregated greenhouse gas emissions from all voyages that involved navigating in ice conditions and the total distance travelled during voyages that involved navigating in ice conditions.";*

Or. en

**Proposal for a directive**  
**Annex I – point 4 a (new)**

Directive 2003/87/EC

Annex V a (new)

*Text proposed by the Commission*

*Amendment*

**(4a) the following annex is inserted in Directive 2003/87/EC:**

**“Annex Va**

***Option to surrender a readjusted amount of allowances for ice class ships***

***The readjusted amount of emission allowances to be surrendered for ice class ships shall correspond to a readjusted amount of emissions that is calculated based on the formula presented in this Annex. The readjusted amount of emissions shall take into account the technical characteristics that increase emissions of ships belonging to a Finnish-Swedish ice class IA or IA Super or an equivalent ice class during navigation at all times and the further increase of emissions due to navigating in ice conditions.***

***Readjusted amount of emissions allowances to be surrendered annually mean readjusted amount of annual emissions  $CO_{2R}$ .***

***The annual total emission  $CO_{2T}$  within the scope of the EU ETS are calculated on the basis of reporting under Regulation (EU) 2015/757 as follows:***

***$CO_{2T} = CO_{2T \text{ voyages between MS}} + CO_{2B} + 0.5 \times (CO_{2 \text{ voyages from MS}} + CO_{2 \text{ voyages to MS}})$  (1),***

***where  $CO_{2T \text{ voyages between MS}}$  denotes the aggregated  $CO_2$  emissions from all voyages between ports under the jurisdiction of a Member State,  $CO_{2B}$  the emissions which occurred within ports under the jurisdiction of a Member State at berth,  $CO_{2eq \text{ voyages from MS}}$  the aggregated  $CO_2$  emissions from all voyages which departed from ports under the jurisdiction of a Member State and  $CO_{2 \text{ voyages to MS}}$  the aggregated  $CO_2$  emissions from all***

**voyages to ports under the jurisdiction of a Member State.**

**Similarly, the annual total emissions of an ice-class ship when navigating in ice conditions within the scope of the EU ETSCO<sub>2ei</sub> are calculated on the basis of reporting under under Regulation (EU) 2015/757 as follows:**

$$CO_{2ei} = CO_{2eq\ I\ voyages\ between\ MS} + 0.5 \times (CO_{2eq\ I\ voyages\ from\ MS} + CO_{2eq\ I\ voyages\ to\ MS}) \quad (2),$$

**where  $CO_{2eq\ I\ voyages\ between\ MS}$  denotes the aggregated CO<sub>2</sub> emissions of an ice-classed ship when navigating in ice conditions between ports under the jurisdiction of a Member,  $CO_{2eq\ I\ voyages\ from\ MS}$  emissions of an ice-classed ship when navigating in ice conditions from all voyages which departed from ports under the jurisdiction of a Member State and  $CO_{2eq\ I\ voyages\ to\ MS}$  emissions of an ice-classed ship when navigating in ice conditions from all voyages to ports under the jurisdiction of a Member State.**

**The annual total distance travelled within the scope of the EU ETS is calculated as follows:**

$$D_T = D_{T\ voyages\ between\ MS} + 0.5 \times (D_{T\ voyages\ from\ MS} + D_{T\ voyages\ to\ MS}) \quad (3),$$

**where  $D_{T\ voyages\ between\ MS}$  denotes the aggregated distance of all voyages between ports under the jurisdiction of a Member State,  $D_{T\ voyages\ from\ MS}$  the aggregated distance of all voyages which departed from ports under the jurisdiction of a Member State and  $D_{T\ voyages\ to\ MS}$  the aggregated distance of all voyages to ports under the jurisdiction of a Member State.**

**The aggregated distance travelled when navigating in ice conditions within the scope of the EU ETS is calculated as follows:**

$$D_i = D_{I\ voyages\ between\ MS} + 0.5 \times (D_{I\ voyages\ from\ MS} + D_{I\ voyages\ to\ MS}) \quad (4),$$

**where  $D_{I\ voyages\ between\ MS}$  denotes the aggregated distance sailed in ice conditions from all voyages between ports under the jurisdiction of a Member State,  $D_{I\ voyages\ from\ MS}$**

*the aggregated distance sailed in ice conditions from all voyages which departed from ports under the jurisdiction of a Member State and  $D_{T \text{ voyages to MS}}$  the aggregated distance sailed in ice conditions from all voyages to ports under the jurisdiction of a Member State.*

*The readjusted amount of annual emissions  $CO_{2eq R}$  are calculated as follows:*

$$CO_{2R} = CO_{2T} - CO_{2TF} - CO_{2NI} \quad (5)$$

*where  $CO_{2TF}$  denotes the increase in annual emissions due to technical characteristics of ships having a Finnish-Swedish ice class IA or IA Super or an equivalent ice class and  $CO_{2NI}$  the increase in annual emissions of an ice-class ship due to navigating in ice conditions.*

*The increase in annual emissions due to technical characteristics of ships having a Finnish-Swedish ice class IA or IA Super or an equivalent ice class  $CO_{2TF}$  is calculated as follows:*

$$CO_{2TF} = 0.05 \times (CO_{2T} - CO_{2B} - CO_{2NI}) \quad (6)$$

*The increase in annual emissions due to navigating in ice conditions is calculated as follows:*

$$CO_{2NI} = CO_{2I} - CO_{2RI} \quad (7)$$

*where the readjusted annual emissions for navigating in ice conditions  $CO_{2RI}$  are*

$$CO_{2RI} = D_I \times \left( \frac{CO_{2eq}}{D} \right)_{open\ water}, \quad (8)$$

*Where  $\left( \frac{CO_{2eq}}{D} \right)_{ow}$  the emissions for voyages per distance travelled in open water. The latter is defined as follows*

$$\left( \frac{CO_{2eq}}{D} \right)_{ow} = \frac{CO_{2T} - CO_{2B} - CO_{2I}}{D_T - D_I} \quad (9)$$

*List of all symbols:*

$CO_{2T}$  *annual total emissions within the geographical scope of the EU ETS*

**$CO_{2T}$  voyages between MS** aggregated  $CO_2$  emissions from all voyages between ports under the jurisdiction of a Member State,

**$CO_{2B}$**  emissions which occurred within ports under the jurisdiction of a Member State at berth

**$CO_{2eq}$  voyages from MS** aggregated  $CO_2$  emissions from all voyages which departed from ports under the jurisdiction of a Member State

**$CO_{2}$  voyages to MS** aggregated  $CO_2$  emissions from all voyages to ports under the jurisdiction of a Member State

**$D_T$**  annual total distance travelled within the scope of the EU ETS

**$D_{T}$  voyages between MS** aggregate distance of all voyages between ports under the jurisdiction of a Member State

**$D_{T}$  voyages from MS** aggregated distance of all voyages which departed from ports under the jurisdiction of a Member State

**$D_{T}$  voyages to MS** aggregated distance of all voyages to ports under the jurisdiction of a Member State

**$D_I$**  aggregated distance travelled when navigating in ice conditions within the geographical scope of the EU ETS

**$D_{T}$  voyages between MS** aggregated distance sailed in ice conditions of all voyages between ports under the jurisdiction of a Member State

**$D_{T}$  voyages from MS** aggregated distance sailed in ice conditions of all voyages which departed from ports under the jurisdiction of a Member State

**$D_{T}$  voyages to MS** aggregated distance sailed in ice conditions of all voyages to ports under the jurisdiction of a Member State

**$CO_{2I}$**  annual emissions of an ice-class ship when navigating in ice conditions

$CO_{2NI}$  increase of annual emissions of an ice-class ship due to navigating in ice conditions

$CO_{2R}$  readjusted annual emissions

$CO_{2RI}$  readjusted annual emissions for navigating in ice conditions

$CO_{2TF}$  annual emissions due to technical characteristics of a ship with a Finnish-Swedish ice class IA or IA Super or an equivalent ice class on average, compared to ships designed to sail only in open water

$\left(\frac{CO_{2eq}}{dist}\right)_{OW}$  annual average of emissions for distance travelled in open water only

Or. en

**Proposal for a directive  
Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

*(17a) Renewing fleets of ice-class ships and developing innovative technology that reduces the emissions of such ships while sailing in winter conditions will take time and require financial support. Currently, the design enabling ice-class ships to sail in ice conditions, leads to such ships producing more emissions both in open water and when navigating in ice conditions than ships of similar size designed for sailing only in open water. On average, ice-class ships, when sailing in open water, consume about 2-5 % more fuel than ships of similar size designed for sailing in open water only. Therefore, a flag-neutral method to take into account ice conditions in northern parts of the Union should be implemented under this Directive allowing for a reduction of allowances to be surrendered by shipping companies on the basis of their ships' ice class or their ships' navigation in ice conditions or both until 31 December*

*2029. As a result, from 2030 onwards, shipping companies should be liable to surrender allowances corresponding to one hundred percent (100 %) of verified emissions reported for each respective year notwithstanding ships' ice class and navigation in ice conditions . There should also be specific support for innovation regarding the decarbonisation of ice-class ships through an Ocean Fund.*

Or. en

### **Outermost regions (3 options)**

#### **Proposal for a directive**

**Article 1 - paragraph 1 - point 15 - point c** Directive 2003/87/EC

Article 12 – paragraph 3 –subparagraph 1 – point c

*Text proposed by the Commission*

*Amendment*

*By way of derogation from point (c) of the first subparagraph, until 31 December 2029, shipping companies may surrender 25% fewer allowances in respect of emissions that occur until 2030 from voyages between a port located in an outermost region of a Member State and a port located in the same Member State outside that outermost region. By 31 December 2029, the Commission shall assess, and present a report to the European Parliament and the Council on, the impact of ending this derogation for maritime transport to and from outermost regions.*

Or. en

## CA 16: ETS Maritime - Commercial operator

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### **Compromise Amendment 16**

Compromise amendment replacing Amendments 35, 660-663, TRAN 52 (article 3 definitions), 44, 757, 760, 762, 763, 764 (article 3gda contractual agreement), 9, 226, 227, TRAN 12 (recital 20)

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point d**

Directive 2003/87/EC

Article 3 – paragraph 1 – point v

#### *Text proposed by the Commission*

(v) ‘shipping company’ means the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention, set out in Annex I to Regulation (EC) No 336/2006 of the European Parliament and of the Council(\*);

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(\* ) Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (OJ L 64, 4.3.2006, p. 1).

#### *Amendment*

(v) ‘shipping company’ means the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention, set out in Annex I to Regulation (EC) No 336/2006 of the European Parliament and of the Council(\*);

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(\* ) Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (OJ L 64, 4.3.2006, p. 1).

Or. en

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Article 3gd a (new)

*Text proposed by the Commission*

*Amendment*

**Article 3gda**

***Contractual arrangements***

***Where the ultimate responsibility for the purchase of the fuel or the operation of the ship is assumed, pursuant to a contractual arrangement, by an entity other than the shipping company, that entity shall be responsible under the contractual arrangement for covering the costs arising from compliance with the obligations under this Directive.***

***For the purposes of this Article, 'operation of the ship' means determining the cargo carried by, or the route and speed of the ship.***

***Member States shall take the necessary measures to ensure that the shipping company has appropriate and effective means of recovering the costs referred to in the first paragraph of this Article in accordance with Article 16.***

Or. en

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

*Amendment*

(20) The person or organisation responsible for the compliance with the EU ETS should be the shipping company, defined as the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner

(20) The person or organisation responsible for the compliance with the EU ETS should be the shipping company, defined as the shipowner or any other organisation or person, such as the manager or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the shipowner

and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention. This definition is based on the definition of ‘company’ in Article 3, point (d) of Regulation (EU) 2015/757, and in line with the global data collection system established in 2016 by the IMO. ***In line with the polluter pays principle, the shipping company could, by means of a contractual arrangement, hold*** the entity that is ***directly*** responsible for the decisions affecting the ***CO<sub>2</sub>*** emissions of the ship accountable for the compliance costs under this Directive. This entity would normally be the entity that is responsible for the choice of fuel, route and speed of the ship.

and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention. This definition is based on the definition of ‘company’ in Article 3, point (d) of Regulation (EU) 2015/757, and in line with the global data collection system established in 2016 by the IMO. ***However, the shipping company is not always responsible for purchasing the fuel or taking operational decisions that affect the greenhouse gas emissions of the ship. Those responsibilities can be assumed by an entity other than the shipping company under a contractual arrangement. In that case, in order to ensure that the polluter pays principle is fully respected and to encourage the adoption of efficiency measures and cleaner fuels, a binding clause should be included in such arrangements for the purpose of passing on the costs so that*** the entity that is ***ultimately*** responsible for the decisions affecting the ***greenhouse gas*** emissions of the ship ***is held*** accountable for ***covering*** the compliance costs ***paid by the shipping company*** under this Directive. That entity would normally be the entity that is responsible for the choice ***and purchase of the fuel used by the ship, or for the operation of the ship, as regards, for example, the choice of the cargo carried by, or the*** route and speed of, the ship.

Or. en

## CA 17: Ocean fund

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### **Compromise Amendment 17**

Compromise amendment replacing Amendments 45, 749, 750, 754, 755, 756, 758, 759, 761, 765, 766, 767, TRAN 75, TRAN 84, TRAN 88 (article 3gd), 10, 217, 228, 229, 230, 231, 354, 358, ITRE 5, TRAN 9 (recital 20a)

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 2003/87/EC

Article 3ga a (new)

*Text proposed by the Commission*

*Amendment*

*Article 3gaa*

*Ocean Fund*

***1. A fund ('the Ocean Fund') shall be established to support projects and investments referred to in paragraph 3. 75 % of the revenues generated from the auctioning of allowances referred to in Article 3g shall be used through the Ocean Fund. Furthermore, any external assigned revenues referred to in Article 21(2) of Regulation (EU) [FuelEU Maritime] shall be allocated to the Ocean Fund and used in accordance with paragraph 3.***

***1a. Shipping companies may pay an annual membership contribution to the Ocean Fund in accordance with their total emissions reported for the preceding calendar year under Regulation (EU) 2015/757 to limit the administrative burden for shipping companies, including small and medium sized companies and companies that are not frequently active within the scope of this Directive. The Ocean Fund shall surrender allowances collectively on behalf of shipping transport companies that are members of the Ocean Fund. The membership contribution per tonne of emissions shall be set by the Ocean Fund by 28 February***

*each year, but shall be at least equal to the highest recorded primary or secondary market settlement price for allowances in the preceding year.*

*2. The Ocean Fund shall be managed centrally, , through a Union body. The governance structure of the Ocean Fund shall be similar to and ensure synergy with the governance structure of the Innovation Fund established under Article 10a(8), applying, where relevant, the rules for governance and support as laid down in Article 10a(8). The Ocean Fund's governance structure and decision-making process shall be transparent and inclusive, in particular in relation to the setting of priority areas, criteria and grant allocation procedures. Relevant stakeholders shall have an appropriate consultative role. All information on the projects and investments supported by the Ocean Fund and all other relevant information on the functioning of the Ocean Fund shall be made available to the public.*

*3. Funds provided under the Ocean Fund shall support the transition to an energy efficient and climate resilient Union maritime sector and be used to support projects and investments in relation to the following:*

- (a) improvement of the energy efficiency of ships and ports;*
- (b) innovative technologies and infrastructure for decarbonising the maritime transport sector, including as regards short sea shipping and ports, including connections to electricity grids in ports;*
- (c) deployment of sustainable alternative fuels, such as hydrogen, e-fuels and ammonia, that are produced from renewable energy, including through carbon contracts for difference;*

*(d) zero-emission propulsion technologies, including wind technologies;*

*(e) research and development and the first industrial application of technologies and designs reducing greenhouse gas emissions, including innovative technologies and fuels for ice-class ships and winter navigation in frozen areas;*

*(f) priority shall be given to projects that promote innovation in the sector, such as technologies that not only lead to decarbonisation but, inter alia, also reduce the risk of noise, air and maritime pollution;*

*(g) contributing to a just transition in the maritime sector through training, upskilling and reskilling of existing workforce and preparation of next generation maritime workforce.*

*All investment supported by the Ocean Fund shall be made public and shall be consistent with the aims of this Directive.*

**3a. All funding provided under the Ocean fund shall be carried out in accordance with:**

***(a) the 'do no significant harm' principle as set out in the Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council\*;***

***(b) minimum safeguards as set out in Article 18 of Regulation (EU) 2020/852***

**4. The Commission shall engage with third countries with regard to exploring options as to how they could also make use of the Ocean Fund. A corresponding share of the Ocean Fund shall be made available for those countries outside the Union, in particular Least Developed Countries and Small Island States, whose voyages from or to a port not under the jurisdiction of a Member State are covered by 100 % for measures aiming at adapting to climate change and**

*decreasing their emissions in the maritime sector.*

**5. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the implementation of this Article. In implementing the Ocean Fund, the Commission shall take all the appropriate measures in accordance with Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council\* to ensure the protection of funds in relation to measures and investments supported by the Ocean Fund, in the event of failure to respect the rule of law in the Member States. To that end, the Commission shall provide an effective and efficient internal control system and shall seek recovery of amounts wrongly paid or incorrectly used.**

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**\* Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).**

**\*\* Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433I, 22.12.2020, p. 1).**

Or. en

**Proposal for a directive  
Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

**(20a) The successful transition to zero emission shipping requires an integrated**

*approach and the appropriate enabling environment to stimulate innovation, both as regards ships and in ports. That enabling environment involves public and private investment in research and innovation, technological and operational measures to improve the energy efficiency of ships and ports, and the deployment of sustainable alternative fuels, such as hydrogen and ammonia, that are produced from renewable energy sources, including through carbon contracts for difference, and of zero emission propulsion technologies, including the necessary refuelling and recharging infrastructure in ports. An Ocean Fund should be established from revenues generated from the auctioning of allowances in respect of maritime transport activities under the EU ETS, in order to improve the energy efficiency of ships and support investment aimed at facilitating the decarbonisation of maritime transport, including as regards short sea shipping and ports, and training and re-training of workforce. In addition, the revenues generated from penalties imposed under Regulation (EU) xxxx/xxx [FuelEU Maritime] of the European Parliament and of the Council should be allocated to the Ocean Fund as external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>1a</sup> and Article 3gaa(3) of this Directive. The Commission should ensure that due consideration is given to support innovative projects contributing to the deployment and implementation of Regulation (EU) xxxx/xxx [FuelEU Maritime] as well as projects that have a positive effect on biodiversity and help reduce the risk of noise, air and maritime pollution.*

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***<sup>1a</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).***

Or. en

## CA 18: ETS Maritime - phase in, scope of voyages covered and International cooperation

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### Compromise Amendment 18

Compromise amendment replacing the following Amendments:

- 669-671, - 671-682, 689-702: 704-710 (article 3g);
- 38-41, 43, 711-747 (article 3ga), 46, 699 (article 3gaa),
- 47, 768-782 (article 3ge); 1598
- 190-191 (recital 14); 198-201 (recital 16 and 16a); 8, 218-223 (recitals 17a, 18), 6, 202-208 (recital 17), 209-216, 232, 237 (new recital 17a),
- TRAN 56-61, TRAN 63, TRAN 66-71, TRAN 74, TRAN 76-79, TRAN 81, TRAN 101, TRAN 116, TRAN 122, TRAN 10-11, TRAN 1, TRAN 3-4, TRAN 6, ITRE 3-4, ITRE 22

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 3ga

*Text proposed by the Commission*

Article 3ga

***Phase-in of requirements for maritime transport***

***Shipping*** companies shall be liable to surrender allowances ***according to the following schedule:***

- (a) ***20 % of verified emissions reported for 2023;***
- (b) ***45 % of verified emissions reported for 2024;***
- (c) ***70 % of verified emissions reported for 2025;***
- (d) ***100 % of verified emissions reported for 2026 and each year***

*Amendment*

Article 3ga

***Requirements for maritime transport***

***As of 1 January 2024 and each year thereafter, shipping*** companies shall be liable to surrender allowances ***corresponding to one hundred percent (100 %) of verified emissions reported for each respective year.***

*thereafter.*

*To the extent that fewer allowances are surrendered compared to the verified emissions from maritime transport for the years 2023, 2024 and 2025, once the difference between verified emissions and allowances surrendered has been established in respect of each year, a corresponding quantity of allowances shall be cancelled rather than auctioned pursuant to Article 10.*

Or. en

## **SCOPE VOYAGES AND INT'L COOPERATION**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2003/87/EC

Article 3g – paragraph 1

#### *Text proposed by the Commission*

1. The allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of fifty percent (50 %) of the emissions from ships 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, fifty percent (50 %) of the emissions from ships performing voyage departing from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State, one hundred percent (100 %) of emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State and one hundred percent (100 %) of emissions from ships at berth in

#### *Amendment*

1. The allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of one hundred percent (100 %) of emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State and one hundred percent (100 %) of emissions from ships at berth in a port under the jurisdiction of a Member State.

a port under the jurisdiction of a Member State.

*Until 31 December 2026, the allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of fifty percent (50 %) of the emissions from ships 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, fifty percent (50 %) of the emissions from ships performing voyage departing from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State.*

*From 1 January 2027 and subject to the derogations set out in Article 3ga, the allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of one hundred percent (100 %) of the emissions from ships 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, one hundred percent (100 %) of the emissions from ships performing voyages departing from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State.*

Or. en

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6**  
Directive 2003/87/EC

Article 3ga (new)

*Text proposed by the Commission*

*Amendment*

**Article 3ga**

***Derogations conditional on the taking of measures by third countries and***

**Comentado [CLM3]:** Alignment with similar title for ETS aviation

*international organisations to address the climate impact of maritime transport*

**1. The Commission shall engage with third countries with the aim of establishing bilateral or multilateral agreements on actions and measures to reduce greenhouse gas emissions from maritime transport in line with the goal of keeping the global temperature rise within 1,5 °C above pre-industrial levels, in line with the Paris Agreement. The Commission shall keep the Parliament and the Council informed of any developments in this regard.**

*Where:*

**(a) a third country has a carbon pricing mechanism in place to cap and reduce emissions that is at least equivalent to that of the EU-ETS;**

**(b) a carbon pricing mechanism to cap and reduce emissions that is at least equivalent to that of the EU ETS has been established through a bilateral or multilateral agreement between the Union and one or more third countries and it has been decided to link it to the EU ETS pursuant to Article 25; or**

**(c) a third country is a Least Developed Country or Small Island Developed State that has a GDP per capita not equalling or exceeding the Union average and includes emissions under its nationally determined contributions under the Paris Agreement ;**

**the Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive to introduce a proportionate reduction of the scope of application of the Union measures while maintaining in the scope of the EU ETS at least 50 % of the emissions from ships 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, and 50% percent of the emissions from ships performing voyages departing from a port outside the jurisdiction**

**Comentado [LC4]:** EP Legal Service on reason to delete multilateral/UN-level agreements: Art 3ga deals with future bi- or multi-lateral agreements. In that regard, it provides for a DA with which the COM could reduce the scope of maritime emissions covered by ETS. At the same time, Art 3ge which concerns a future IMO measure (and which was included in the COM proposal) provides for a legislative amendment. The two articles deal with a similar situation – AMs to the scope of the ETS maritime in view of future international legal arrangements. On the one hand – unless I am missing something – a similar procedure for the two could be provided for. On the other and more importantly, I had previously left a comment that a DA for reducing the scope of the ETS may not be the most appropriate legal solution.

*of a Member State and arriving at a port  
under the jurisdiction of a Member State.*

Or. en

## **Carbon leakage protection**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6**  
Directive 2003/87/EC

Article 3gg

*Text proposed by the Commission*

*Amendment*

*Article 3gg*

*Ports at risk of carbon leakage*

*By way of derogation from Article 3g(1),  
where a third country does not have a  
carbon pricing mechanism in place to cap  
and reduce emissions that is at least  
equivalent to that of the EU ETS, one  
hundred percent (100 %) of emissions  
from ships performing single voyages  
directly after or directly preceding voyages  
departing from a port under the  
jurisdiction of a Member State and  
arriving in a port outside the jurisdiction  
of a Member State and at risk of carbon  
leakage or departing from a port outside  
the jurisdiction of a Member State and at  
risk of carbon leakage and arriving in a  
port under the jurisdiction of a Member  
State shall be subject to the requirements  
of Article 10.*

*The Commission is empowered to adopt  
delegated acts in accordance with  
paragraph 23 to supplement this Directive  
by setting out the criteria to classify a port  
outside the jurisdiction of a Member State  
as posing a risk of carbon leakage, in  
particular taking into account the risk of  
relocation of transshipment operations  
from ports in the Union to transshipment  
ports outside the Union.*

*Based on the criteria referred to in the second paragraph, the Commission shall establish a list of ports outside the jurisdiction of a Member State that pose a risk of carbon leakage, and it shall update that list annually.*

Or. en

**Proposal for a directive**

**Article 3 (1)**

Directive 2003/87/EC

Article 3gg

*Text proposed by the Commission*

*Amendment*

*(xb) "transhipment port" means a port where the movement of one type of cargo by way of transhipment operations exceeds 60 % of the total traffic of that port;*

*(z d) "transhipment operation" means an operation in which any cargo, container or good is unloaded from a ship to the port for the sole purpose of loading it onto another ship;*

*(xa) "(b) 'port of call' means the port where a ship stops to load or unload a substantial part of its cargo or to embark or disembark passengers; consequently, stops for the sole purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship and/or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, and stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities are excluded from this definition";*

Or. en

**Proposal for a directive**

**Article 3 (1)**

Directive 2003/87/EC

Article 3gg

*Text proposed by the Commission*

*Amendment*

**Article 3gg**

*By way of derogation from Article 3g(1), second subparagraph, in case the distance between a port under the jurisdiction of a Member State and a port outside the jurisdiction of a Member State is less than [xxx] nautical miles [the Commission shall calculate the appropriate number of nautical miles, based on an impact assessment establishing a list of port calls in neighbouring non-EU transshipment ports], the allocation of allowances and the application of surrender requirements in respect of maritime transport activities shall apply in respect of one hundred percent (100%) of the emissions from ships 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, including transshipment ports, one hundred percent (100%) of the emissions from ships performing voyages departing from a port outside the jurisdiction of a Member State, including transshipment ports, and arriving at a port under the jurisdiction of a Member State.*

Or. en

**IMO clause**

**Proposal for a directive**

**Article 3 (1)**

Directive 2003/87/EC

Article 3gg – paragraph 1

*Text proposed by the Commission*

1. The Commission shall **consider possible amendments in relation to the adoption by the** International Maritime Organization of a global market-based measure to reduce greenhouse gas emissions from maritime transport. **In the event of the adoption of such a measure,** and in any event before the 2028 global stocktake and no later than 30 September 2028, the Commission shall present a report to the European Parliament and to the Council in which it shall examine any such measure. Where appropriate, the Commission **may follow to** the report with a legislative proposal to **the European Parliament and to the Council to** amend this Directive **as appropriate**.

*Amendment*

1. The Commission shall **consider possible amendments in relation to the adoption by the** International Maritime Organization of a global market-based measure to reduce greenhouse gas emissions from maritime transport. **In the event of the adoption of such a measure,** and in any event before the 2028 global stocktake and no later than 30 September 2028, the Commission shall present a report to the European Parliament and to the Council in which it shall examine any such measure. Where appropriate, the Commission **may follow to** the report with a legislative proposal to **the European Parliament and to the Council to** amend this Directive **as appropriate**.

**Within 12 months of the adoption of such a measure and before this measure becomes operational,** and in any event before the 2028 global stocktake and no later than 30 September 2028 the Commission, **supported by the European Scientific Advisory Board on Climate Change referred to in Article 3 of Regulation (EU) 2021/1119,** shall present a report to the European Parliament and to the Council in which it shall examine any such measure.

**That report shall examine the ambition and overall environmental integrity of the measures decided upon by the IMO, including their general ambition in relation to the Paris Agreement objective of limiting the temperature increase in the global average temperature to 1,5°C above pre-industrial levels, to the Union economy-wide greenhouse gas emissions reduction target for 2030 and to the climate-neutrality objective as set out in Regulation (EU) 2021/1119 and shall compare the overall environmental integrity of those measures to the overall environmental integrity involved in applying the EU ETS in accordance with**

*the rules set out in this Directive.*

***The report shall take into account the level of participation in those global measures, their enforceability, transparency, penalties for non-compliance, the processes for public input, monitoring, reporting and verification of emissions, registries and accountability.***

***The Commission shall also monitor adverse impacts as regards, inter alia, possible transport cost increases, market distortions and changes in port traffic such as port evasion and shift of transshipment hubs, the overall competitiveness of the maritime sector in the Member States, and in particular the adverse impacts on those shipping services that provide essential services of ‘territorial continuity’.***

***In the event of the adoption of such a global market-based measure to reduce greenhouse gas emissions from maritime transport in line with the Paris Agreement and to at least a level comparable to that resulting from the Union measures taken under this Directive, the Commission may, where appropriate, accompany the report with a legislative proposal to amend this Directive and align it with measures taken on the global level while recognising the Union’s sovereignty to regulate its share of emissions from international shipping voyages in line with the obligations of the Paris Agreement.***

2. The Commission shall monitor the implementation of this Chapter and possible trends as regards companies seeking to avoid being bound by the requirements of this Directive. If appropriate, the Commission shall propose measures to prevent ***such avoidance***.

2. The Commission shall monitor, ***and report biennially following the entry into force of this Directive, on*** the implementation of this Chapter and possible trends as regards companies seeking to avoid being bound by the requirements of this Directive. ***The Commission shall also monitor adverse impacts as regards, inter alia, possible transport cost increases, market distortions and changes in port traffic such as port evasion and shifts of transshipment hubs, the overall***

*competitiveness of the maritime sector in the Member States, and in particular the adverse impacts on those shipping services that provide essential services of territorial continuity.* If appropriate, the Commission shall propose measures to prevent *possible adverse impacts or circumvention of the requirements of this Directive.*

Or. en

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) International maritime transport activity, consisting of voyages between ports under the jurisdiction of two different Member States or between a port under the jurisdiction of a Member State and a port outside the jurisdiction of any Member State, has been the only means of transportation not included in the Union's past commitments to reduce greenhouse gas emissions. Emissions from fuel sold in the Union for journeys that depart in one Member State and arrive in a different Member State or a third country have grown by around 36 % since 1990. Those emissions represent close to 90 % of all Union navigation emissions as emissions from fuel sold in the Union for journeys departing and arriving in the same Member State have been reduced by 26 % since 1990. In a business-as-usual scenario, emissions from international maritime transport activities are projected to grow by around 14 % between 2015 and 2030 and 34 % between 2015 and 2050. If the climate change impact of maritime transport activities grows as projected, it would significantly undermine reductions made by other sectors to combat climate

*Amendment*

(14) International maritime transport activity, consisting of voyages between ports under the jurisdiction of two different Member States or between a port under the jurisdiction of a Member State and a port outside the jurisdiction of any Member State, has been the only means of transportation not included in the Union's past commitments to reduce greenhouse gas emissions. Emissions from fuel sold in the Union for journeys that depart in one Member State and arrive in a different Member State or a third country have grown by around 36 % since 1990. Those emissions represent close to 90 % of all Union navigation emissions as emissions from fuel sold in the Union for journeys departing and arriving in the same Member State have been reduced by 26 % since 1990. In a business-as-usual scenario, emissions from international maritime transport activities are projected to grow by around 14 % between 2015 and 2030 and 34 % between 2015 and 2050. If the climate change impact of maritime transport activities grows as projected, it would significantly undermine reductions made by other sectors to combat climate change *and therefore achieving the*

change.

*economy-wide net greenhouse gas emissions reduction target for 2030, the Union's climate-neutrality objective by 2050, at the latest, and the aim of achieving negative emissions thereafter laid down in Article 2(1) of Regulation (EU) 2021/1119 and the goal of the Paris Agreement.*

Or. en

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Pursuant to Directive (EU) 2018/410, the Commission should report to the European Parliament and to the Council on the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the maritime transport sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement. Efforts to limit global maritime emissions through the IMO are under way and should be encouraged. However, *while* the recent *progress achieved through* the IMO is *welcome, these measures will not be* sufficient to achieve the objectives of the Paris Agreement.

*Amendment*

(16) Pursuant to Directive (EU) 2018/410, the Commission should report to the European Parliament and to the Council on the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the maritime transport sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement. Efforts to limit global maritime emissions through the IMO are under way and should be encouraged. However, the recent *developments in the IMO framework are not* sufficient to achieve the objectives of the Paris Agreement. *Given the international character of shipping, the Commission in collaboration with Member States should further step up diplomatic efforts to make progress on the development of a global market-based measure at the IMO level.*

Or. en

**Proposal for a directive**  
**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) Evasive port calls in neighbouring non-EU countries could seriously jeopardise the effectiveness of the EU ETS in relation to maritime transport, as it would not reduce total shipping emissions. Such evasive port calls could even increase overall emissions, in particular when such evasion leads to longer voyages to and from third countries with lower environmental standards. Therefore, the Commission should monitor and report biennially following the entry into force of this Directive on the implementation of this Chapter and possible trends as regards companies seeking to avoid being bound by the requirements of this Directive and should present, where applicable, legislative proposals to address any evidence of evasive port calls.***

Or. en

**Proposal for a directive**  
**Recital 17**

*Text proposed by the Commission*

(17) In the European Green Deal, the Commission stated its intention to take additional measures to address greenhouse gas emissions from the maritime transport sector through a basket of measures to enable the Union to reach its emissions reduction targets. In this context, Directive 2003/87/EC should be amended to include the maritime transport sector in the EU ETS in order to ensure this sector contributes to the increased climate objectives of the Union as well as to the objectives of the Paris Agreement, which requires developed countries to take the

*Amendment*

***(17) Greenhouse gas emissions from the maritime sector account for around 2,5 % of Union emissions. The lack of decisive action within the IMO framework has delayed innovation and introduction of necessary measures to reduce emissions in the sector.*** In the European Green Deal, the Commission stated its intention to take additional measures to address greenhouse gas emissions from the maritime transport sector through a basket of measures to enable the Union to reach its emissions reduction targets. In this context, Directive 2003/87/EC should be

lead by undertaking economy-wide emission reduction targets, while developing countries are encouraged to move over time towards economy-wide emission reduction or limitation targets.<sup>49</sup> Considering that emissions from international aviation outside Europe should be capped from January 2021 by global market-based action while there is no action in place that caps or prices maritime transport emissions, it is appropriate that the EU ETS covers a share of the emissions from voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country, with the third country being able to decide on appropriate action in respect of the other share of emissions. The extension of the EU ETS to the maritime transport sector should thus include half of the emissions from ships 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 emissions from ships 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, emissions from ships performing voyages arriving at a port under the jurisdiction of a Member State from a port under the jurisdiction of a Member State, and emissions at berth in a port under the jurisdiction of a Member State. This approach has been noted as a practical way to solve the issue of Common but Differentiated Responsibilities and Capabilities, which has been a longstanding challenge in the UNFCCC context. The coverage of a share of the emissions from both incoming and outgoing voyages between the Union and third countries ensures the effectiveness of the EU ETS, notably by increasing the environmental impact of the measure compared to a geographical scope limited to voyages within the EU, while limiting

amended to include the maritime transport sector in the EU ETS in order to ensure this sector contributes *its fair share* to the increased climate objectives of the Union as well as to the objectives of the Paris Agreement, which requires developed countries to take the lead by undertaking economy-wide emission reduction targets, while developing countries are encouraged to move over time towards economy-wide emission reduction or limitation targets.<sup>49</sup> **The** surrendering of allowances by shipping companies should be **fully implemented as of 2024 and** shipping companies should surrender the number of allowances corresponding to all of their verified emissions reported in the preceding year. Considering that emissions from international aviation outside Europe should be capped from January 2021 by global market-based action while there is no action in place that caps or prices maritime transport emissions, it is appropriate that the EU ETS covers **these emissions, while providing for derogations under strict conditions if third countries take responsibility for such emissions or an IMO market-based measure is in place to cover** a share of the emissions from voyages between a port under the jurisdiction of a Member State and port under the jurisdiction of a third country, with the third country being able to decide on appropriate action in respect of the other share of emissions. **From 2028 onwards, the** extension of the EU ETS to the maritime transport sector should thus include **emissions from voyages to and from third countries, while providing for derogations to** half of the emissions from ships 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 emissions from ships performing voyages departing from a port under the jurisdiction of a Member State and arriving at a port outside the

the risk of evasive port calls and the risk of delocalisation of transshipment activities outside the Union. To ensure a smooth inclusion of the sector in the EU ETS, the surrendering of allowances by shipping companies should be gradually increased with respect to verified emissions reported for the period 2023 to **2025**. To protect the environmental integrity of the system, to the extent that fewer allowances are surrendered in respect of verified emissions for maritime transport during those years, once the difference between verified emissions and allowances surrendered has been established each year, a corresponding number of allowances should be cancelled. As from **2026**, shipping companies should surrender the number of allowances corresponding to all of their verified emissions reported in the preceding year.

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<sup>49</sup> Paris Agreement, Article 4(4).

jurisdiction of a Member State *under strict conditions, in particular where a third country has a carbon pricing mechanism in place, or has established through a bilateral or multilateral agreement between the Union and one or more third countries a carbon pricing mechanism linked to the EU ETS pursuant to Article 25, to cap and reduce emissions to a level at least equivalent to the EU-ETS, meaning a binding mechanism to cap, reduce and price maritime greenhouse gas emissions resulting in an absolute emissions reduction at least equivalent to the case where 100% of those emissions would be subject to the EU ETS or where a third country is a Least Developed Country or Small Island Developing State that has a GDP per capita not equalling or exceeding the Union average and includes these emissions under its nationally determined contributions under the Paris Agreement.*

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<sup>49</sup> Paris Agreement, Article 4(4).

Or. en

**Proposal for a directive**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) The Commission, the Council and the European Parliament should work with third countries in order to facilitate acceptance of the provisions of Directive 2003/87/EC as regards maritime transport activities and to strengthen international cooperation in this area. At the same time, the Commission, the Council and the European Parliament should work to strengthen global measures through the IMO.***

Or. en

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) The provisions of Directive 2003/87/EC as regards maritime transport activities should be kept under review in light of future international developments and efforts undertaken to achieve the objectives of the Paris Agreement, including the second global stocktake in 2028, and subsequent global stocktakes every five years thereafter, intended to inform successive nationally determined contributions. In particular, the Commission should report any time before the second global stocktake in 2028 - and therefore no later than by 30 September 2028 - to the European Parliament and to the Council on progress in the IMO negotiations concerning a global market-based measure. In its report, the Commission should analyse the International Maritime Organization instruments and, assess, as relevant, how to implement those instruments in Union law through a revision of Directive 2003/87/EC. In *its report*, the Commission should *include proposals as appropriate*.

*Amendment*

(18) The provisions of Directive 2003/87/EC as regards maritime transport activities should be kept under review in light of future international developments and efforts undertaken to achieve the objectives of the Paris Agreement, including the second global stocktake in 2028, and subsequent global stocktakes every five years thereafter, intended to inform successive nationally determined contributions. In particular, the Commission should report any time before the second global stocktake in 2028 - and therefore no later than by 30 September 2028 - to the European Parliament and to the Council on progress in the IMO negotiations concerning a global market-based measure. In its report, the Commission should analyse the International Maritime Organization instruments and, assess, as relevant, how to implement those instruments in Union law through a revision of Directive 2003/87/EC. In *the event that a global market-based measure has been adopted at IMO level leading to greenhouse gas emission reductions which are in line with the Paris Agreement and at least comparable to those resulting from the Union measures*, the Commission should *consider a proportionate reduction of the scope of application of the Union measures to avoid the creation of a double burden while maintaining in the scope of the EU ETS at least 50 % of the emissions from ships 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, and 50% percent of the emissions from ships performing voyages departing from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State. and recognising the Union's sovereignty to regulate its share of emissions from international shipping voyages in line with the obligations of the Paris Agreement. However, in the event that there has been insufficient progress at IMO level or that global measures have been adopted at IMO level which are not in line with the Paris Agreement and at least comparable to those resulting from the Union measures, the Commission should keep the Union measures to cover 100 % of the emissions from ships 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 and 100 % of the emissions from ships performing voyages departing from a port outside the jurisdiction of a Member State and arriving at a port under the jurisdiction of a Member State, through an amendment of Directive 2003/87/EC.*

Or. en