

Director-General Ms Charlina Vitcheva  
Directorate General for Maritime Affairs and Fisheries

By e mail to MARE-D3@ec.europa.eu and Charlina.VITCHEVA@ec.europa.eu  
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Ref: BSAC/2021-2022/9

Copenhagen Thursday 17<sup>th</sup> June 2021

Dear Ms Vitcheva,

Subject: **Environment policy and control of sulphur dioxide emissions from vessels in relation to Control Regulation 1224/2009**

The BSAC recently held an Executive Committee meeting and held Q&A sessions with EFCA and with ICES. It was a very constructive and beneficial meeting.<sup>1</sup>

I am writing to you in connection with one very specific question, related to environmental policy and the emission of sulphur dioxide and the EU Control Regulation. The question was put to EFCA.

EFCA studied the question. At first, EFCA considered that the European Maritime Safety Agency was the Agency responsible for these issues in the marine environment. EFCA offered to provide a contact at EMSA in order to address this question. On further reflection, EFCA thought it a more political matter, not technical, and concluded that we should contact DG MARE.

The issue is as follows:

On 1<sup>st</sup> January 2020, a worldwide new limit on the sulphur content in the fuel oil used on board ships came into force, marking a significant milestone to improve air quality, preserve the environment and protect human health. Known as "IMO 2020",<sup>2</sup> the rule limits the sulphur in the fuel oil used on board ships operating outside designated emission control areas to 0.50% m/m (mass by mass) - a significant reduction from the previous limit of 3.5%.

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<sup>1</sup> <http://www.bsac.dk/Meetings/BSAC-meetings/Executive-Committee-meeting-with-EFCA>

<sup>2</sup> <https://www.pwc.com/ng/en/publications/imo-2020-regulation.html>

Within specific designated emission control areas (Baltic Sea, North Sea), according to Directive (EU) 2016/802<sup>3</sup> of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels, from 1<sup>st</sup> of January 2015 the limits were already stricter (0.10%). Due to the combustion of marine fuels with a high sulphur content, the main goal is to **reduce emissions** of sulphur dioxide and particulate matter from shipping.

Sulphur dioxide and particulate matter harm human health and the environment and contribute to acid deposition. In this case, the requirements laid down in Article 20<sup>4</sup> of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, [amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006] do not fully meet the requirements of the Directive (EU) 2016/802 to reduce emissions. This is due to the prohibition (in Article 20 of Reg No 1224/2009) of transshipment of the products at sea in Community waters. There are cases when vessels are owned by the same company, and during fishing activity the lot isn't yet finished, but due to product safety requirements it is necessary to unload the lot on land. In this situation vessels must go to the harbour (sometimes it takes several days) with no fully filled lot. Instead, it could have been transhipped to another vessel owned by the same company and save fuel and reduce emissions as described in Directive 2016/802 and the HELCOM Baltic Sea Action Plan (BSAP).<sup>5</sup> Considering this, we would like to draw your attention to the EU environmental policy of reducing air emissions from ships, and the Council Regulation (EC) No 1224/2009 Article 20 which does not fully meet EU environmental policy with the prohibition of transshipment procedures.

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<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0802&from=EN>

<sup>4</sup> Article 20 Transshipment operations

1. Transshipments at sea shall be prohibited in Community waters. They shall be allowed only subject to an authorisation and to the conditions laid down in this Regulation in ports or places close to the shore of Member States designated for this purpose, and in accordance with the conditions laid down in Article 43(5).
2. If the transshipment operation is interrupted, permission may be required before the transshipment operation is resumed.
3. For the purposes of this Article, relocation, pair trawling activities and fishing operations involving joint action by two or more Community fishing vessels shall not be considered as transshipment.

<sup>5</sup> [https://helcom.fi/media/documents/BSAP\\_Final.pdf](https://helcom.fi/media/documents/BSAP_Final.pdf)

On behalf of the BSAC, I would ask you to:

Please clarify if there is any possibility in the framework of Council Regulation (EC) No 1224/2009 to have a transshipment procedure between ships owned by the same company in order to save fuel and reduce emissions to ambient air?

Or is there a need to amend the Council Regulation (EC) No 1224/2009 and harmonize with EU environmental policy on reducing environmental pollution from ships?

Time is of the essence. This is because the Control Regulation is currently being negotiated between the EP and the Council. However, given the importance of this issue in relation to environmental policy and the green agenda, if there is a chance or need to make any necessary changes to the legislation, we would ask you to urgently investigate this.

I look forward to hearing from you.

Kind regards,



Esben Sverdrup-Jensen  
Chair BSAC Executive Committee  
Copy to: DG Mare Baltic Unit, EFCA and to BALTFISH Member States