



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels

MARE.D.4/LC

Dear Mr Sverdrup-Jensen,

I thank you for your letter of 17 June 2021 concerning the reduction of the emission of sulphur dioxide of fishing vessels and the application of Regulation (EC) No 1224/2009 on EU fisheries control.

Article 20(1) of Regulation (EC) No 1224/2009 prohibits transshipments at sea in EU waters. This prohibition is independent of the ownership of the transshipping and receiving vessels. Article 20(1) does not provide for any derogation in the cases the transshipping and receiving vessels are owned by the same company.

The reason for this prohibition in Article 20 is to improve controls and to guarantee the accuracy of catch reporting data. As clearly outlined in recital 20 of Regulation (EC) No 1224/2009, “transshipments at sea escape any proper control by flag or coastal states and therefore constitute a possible way for operators to carry out illegal catch. To improve controls, transshipment operations in the Community should be authorised only in designated ports”.

As you know, the Commission proposal for a revised EU fisheries control system, which is currently being analysed by the two co-legislators, does not foresee lifting the current prohibition on transshipment at sea in EU waters.

The reduction of air pollutants (including sulphur oxides) and greenhouse gas (GHS) emissions and fuel consumption is dependent, among other things, on the fishing vessel's engine power. The Commission carried out in 2018 an external study on engine power<sup>1</sup>, which revealed a widespread non-compliance across all MS, areas and vessel types. The high level of non-compliance demonstrates a systematic lack of a culture of compliance with engine power limitations at operator level across the fishing sector. On the environmental side, fishing vessels operating at higher power than the stated one in the fishing licence consume more fuel and emit both more air pollutants and greenhouse gases in the atmosphere. Ensuring compliance with engine power rules will therefore highly contribute to reducing harmful emissions, ensuring both zero environmental

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<sup>1</sup> ISBN 978-92-76-08327-6

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pollution<sup>2</sup> and climate change mitigation<sup>3</sup>, which are of very high priority in the EU political agenda.

The 0,50% sulphur limit in marine fuels adopted in the EU in 2012<sup>4,5</sup> applies worldwide since January 2020. Since 2015, the limit in Emission Control Areas (ECAs) of the North and Baltic Seas is more stringent (0,10%) and this already proved very effective<sup>6</sup> in reducing air pollution in the area<sup>7</sup> irrespectively of the transshipment prohibition. In particular, both in the EU and globally, limits of sulphur in fuel used by ships in trade in EU and non EU waters were adopted based on a clear cost-benefit case, assessed on ship sailing data as a whole, whereby monetised environmental and health benefits were largely surpassing costs to the sector, including in the Baltic Sea. In light of this, the Commission supports the extension of emission control area in all EU waters for all air pollutants (not only sulphur oxides), which is currently being considered for the Mediterranean Sea. Finally, the 0,10% limit also applies in EU port operations which also addresses the reduction of emissions in ports from ships at berth, including possible emission trade-offs for fishing vessels increased operations. Furthermore, the updated HELCOM Baltic Sea Action Plan, to be adopted at ministerial level in October 2021, also aims at achieving Good Environmental Status of the Baltic Sea through reduction of harmful air emissions from maritime activities and sustainable use of marine resources. In this regard, several new and updated existing actions should strengthen the implementation and enforcement of the Baltic Sea ECA, which entered into force to also control air and water pollution from nitrogen oxides, to reduce emissions of GHGs and promote sustainable shipping in the area.

Upcoming legislation under the *Fit for 55* package will further address emission reduction from ships in navigation and in ports at the EU level. Key highlights are the extension of the Emission Trading Scheme to maritime transport and the Fuel EU Maritime initiative stimulating the demand for zero emission marine fuels and mandating zero emissions to big ships berthing in EU ports.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73), who will forward them to relevant colleagues.

Yours faithfully,

Charlina VITCHEVA

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<sup>2</sup> Zero pollution action plan : [https://ec.europa.eu/environment/strategy/zero-pollution-action-plan\\_en](https://ec.europa.eu/environment/strategy/zero-pollution-action-plan_en)

<sup>3</sup> Fit for 55 package : [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_3541](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3541)

<sup>4</sup> The global sulphur cap requirement was adopted by the International Maritime Organisation (IMO) in 2010 (i.e. through the last revision of Annex VI to MARPOL Convention), but its date of entry into force was made conditional on assessing, before 2018, the availability of compliant fuel globally. In 2016 the IMO, based on assessed sufficient availability, confirmed 1/1/2020 as the date of entry into force, with no need for a postponement for further adaptation by the sector. All EU Member States are parties to MARPOL Convention.

<sup>5</sup> The 2012 revision of the relevant EU provisions on sulphur in fuel was transposed by the EU Member States into national laws in 2014 and codified in Directive (EU) 2016/802 regulating the sulphur content in certain liquid fuels.

<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018DC0188>