

Reporting by Member States

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Directive 2012/33 – amending Sulphur Directive

Recital 18:

- '**Reporting by Member States** has proved **insufficient** for the purpose of verification of compliance with the Directive due to the **lack of harmonized and sufficiently precise provisions** on the content and the format of the Member States' reports.'

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2012 Reporting:

- The EMSA analysis of the annual reporting by Member States (based on Directive 2005/33) **confirms**:
 - General lack of homogeneity in the reporting system
 - Incomplete reports and vague data
 - Limited enforcement of specific Sulphur Directive provisions
 - Limited information about level of infringements

Directive 2005/33/EC vs. Directive 2012/33/EU

Directive 2005/32/EC

Art. 7 Reporting and Review

On the basis of the results of the sampling, analysis and inspections carried out in accordance with Art. 6, Member States shall by 30 June of each year **provide the Commission with a short report** on the sulphur content of the liquid fuels falling within the scope of this Directive and used within their territory during the preceding calendar year.

That report shall include a record of the **total number of samples tested by fuel type**, and shall indicate the corresponding quantity of fuel used, and the **calculated average sulphur content**.

Member States shall also report the **number of inspections** made on board ships.

Directive 2012/33/EU

Art 7 Reporting and Review:

1. Each year by 30 June, Member States shall, on the basis of the **results of the sampling, analysis and inspections** carried out in accordance with Art. 6, submit a report to the Commission on the **compliance** with the sulphur standards set out in this Directive for the proceeding year.
2. The Commission may adopt **implementing acts concerning the information** to be included in the report and the **format** of the report.

Reporting: conclusions

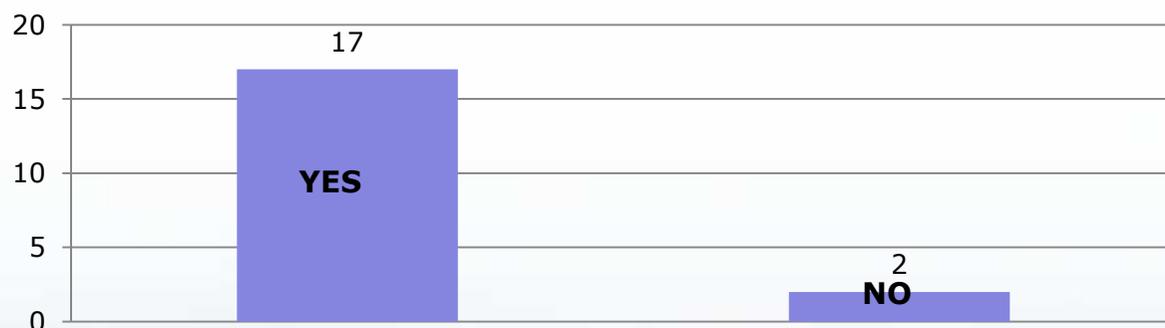
Overall,

- Too little information available for the Commission to properly assess the level of compliance and enforcement of the Directive in Member States
- Enforcement efforts do not seem to be equally spread among Member States
- In view of possible financial gains and to ensure a balanced level-playing-field under the revised Directive, the reporting by Member States will have to more accurate and detailed.

Reporting: contents and format

EMSA questionnaire for Member States (Oct. 2013):

Question 44 - Do you consider that European guidance aiming at uniform application of the provisions on reporting for the EU would be desirable?



Initial discussions about draft content of the report:

- EMSA workshop for Member States (Oct. 2013)
- Implementation Sub-Group meetings
- EMSA training on air quality (Apr. 2014)

Reporting: contents and format

Preliminary findings:

- Despite importance of reporting for a proper verification of compliance, the **Implementing Act on Reporting** is largely dependent on the outcome of on-going discussions regarding 'frequency of sampling' and 'sampling methods'
- Exact scope of the requested information needs to be clear to avoid different interpretation of terminology/definitions
- A balance needs to be established between providing sufficient information to the Commission to assess level of compliance while avoiding making reporting too burdensome
- Electronic ways of (automated) reporting should be accommodated

Reporting: contents and format

Preliminary findings:

- Member States and sub-group members have stressed the **importance of assessing whether to include** the following elements in the annual reporting:
 - ✓ More information on intensity of inspections of log books + bunker delivery notes as first level of control
 - ✓ Information on quality of bunkers linked to suppliers
 - ✓ Specific enforcement of Sulphur Directive provisions: ships at berth, passenger ships, continuously achieving
 - ✓ Identification of the location from where the sample was taken
 - ✓ Better insights on number and level of infringement/irregularities

Reporting: contents and format

Cont.:

- ✓ More detailed information regarding penalties
- ✓ Notifications of non-availability/letters of protest
- ✓ The use of additional enforcement methods such as sniffing/remote sensing technologies, continuous monitoring equipment
- ✓ Checks of alternative emission abatement methods (and possible malfunctioning)
- ✓ Active link to day-to-day inspection results
- ✓ ...

Recommendations to the Plenary

- **Encourage** the continuation of the discussions within the sub-group about the appropriate content and format of the reporting by Member States
- **Recognize** that the contents of the Implementing Act on reporting should be closely aligned with the other developments related to enforcement (including penalties), and notably the Implementing Act concerning the frequency of sampling
- **Agree** that a harmonized approach to reporting would be beneficial and that an electronic format would make it more efficient and less burdensome for both Member States and the Commission.