



# ECSA

European Community Shipowners' Associations

## EU COMMISSION CLEAN AIR PACKAGE

**Proposal for a  
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on the reduction of national emissions of certain atmospheric pollutants and amending  
Directive 2003/35/EC  
COM(2013)920**

### **ECSA POSITION PAPER**

(Final: 28.05.2014)

**ECSA is concerned with the revision of the National Emission Ceilings Directive (NECD) as proposed by the EU Commission under the Clean Air Package proposal: the Commission is attempting to incentivize reduction of NO<sub>x</sub> and SO<sub>x</sub> emissions as well as the emission of particulate matters from international maritime traffic – allowing Member States to use reductions of shipping emissions that occur in the Member States' territorial seas, exclusive economic zones or in pollution control zones to offset these emissions against emissions from land-based sources.**

**The main issues facing members of the European shipping are related to LRTAP<sup>1</sup> Protocols and the present revision of the NECD, and how this relates to current and future MARPOL requirements. In general terms, however, ECSA maintains that international shipping is best regulated at the international level and that any reductions of ship emissions identified in the EU Clean Air Package proposal should be taken forward to the IMO for subsequent adoption and implementation.**

ECSA believes that it would be extremely challenging for Member States to conceive, under the revised Directive Article 5 of the proposed legislative text, how to effectively bring into effect such an offsetting mechanism at a pure national level - Especially when the emission reduction level that may be taken into account for this purpose should be the attained reduction level on top of EU (e.g. Sulphur Directive (2012/33/EU) or international regulations (e.g. MARPOL Annex VI).

In addition, the very large number of exceedences across the EU, particularly for PM and NO<sub>x</sub>, in most Member States are due to road traffic, although in some Member States certain regions continue to suffer industrial pollution. This suggests that land-based emission reductions are not occurring at a sufficient rate to ensure the health benefits are achieved.

With the accompanying Communication, the Commission appropriately refers to the fact that, *considering the international character of shipping and Europe's dependence on it, preference must always be given to policy development at the international level (IMO), such as the designation of NO<sub>x</sub> Emission Control Areas (NECAs) and SO<sub>x</sub> Emission Control Areas (SECAs) already agreed by the IMO.*

---

<sup>1</sup> United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution (LRTAP)

## European Community Shipowners' Associations

In addition, under Article 12 of the proposed legislative text, the Commission stresses the need for coordination with international organization (such as IMO) including through the exchange of technical and scientific information for improving emission reductions.

It is of utmost importance to take into account the particular nature of the sector, specifically its transboundary nature, the freedom of navigation enshrined under the United Conventions on the Law of the Sea (UNCLOS), its multi-entry, multi-exit points, the essential sovereignty of a ship's flag and the multilateral relationships which occur on voyages between the ship and any number of countries in their various roles as Port states, Flag states and Coastal states.

ECSA stresses that emissions reduction from international shipping should be regulated at the international level (i.e. International Maritime Organization) due to the global nature of the sector. Ships are, by their very nature, mobile, they operate in all parts of the world and imposing additional and unique requirements for different jurisdictions creates inextricable situations for the shipping industry. The current NECD 2001/81/EC correctly excludes international shipping. A similar approach is taken under the Kyoto Protocol, under which international shipping is not subject to the commitments of the United Nations Framework Convention on Climate Change (UNFCCC), which includes one of the nitrogen oxides (N<sub>2</sub>O) in the list of the Greenhouse Gases.

Brussels, 28 May 2014.

The European Community Shipowners' Associations (ECSA), formed in 1965, comprises the national shipowners' associations of the EU and Norway. ECSA aims at promoting the interests of European shipping so that industry can best serve European and international trade and commerce in a competitive and free business environment, to the benefit of both shippers and consumers. The European Economic Area maintains its very prominent position with a controlled fleet of 40% of the global commercial fleet.

Contact:

Benoît Loicq

Phone: +32-2-510.61.25 (direct) / +32-2-511.39.40 / Email: [benoit.loicq@ecsa.eu](mailto:benoit.loicq@ecsa.eu) / [www.ecsa.eu](http://www.ecsa.eu)

**ECSA - European Community Shipowners' Associations**

Rue Ducale 67/2 Hertogstraat - B-1000 Brussels / BELGIUM