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**To:** [ECSA - Committee Safety & Environment](#); [ECSA - National Associations](#)  
**Cc:** [ECSA - Secretariat](#)  
**Subject:** ECSA C-13364 For information - EU ETS: updated summary on the delegated and implementing acts  
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**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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To ECSA - Committee Safety & Environment  
ECSA - National Associations  
ECSA - Secretariat

Ref. ECSA C-13364

21-12-23

## **For information - EU ETS: updated summary on the delegated and implementing acts**

Dear Members,

With the entry into force of the revised EU ETS in less than two weeks, I have prepared an updated summary on the delegated and implementing acts, which includes the links to the final texts published in the EU Official Journal (EUOJ). The texts which were published are now in force.

### **Delegated acts**

Several delegated acts have been adopted by the Commission during the autumn (ref: C-13252 of 20/10/23 and C-13259 of 26/10/23):

- The delegated act on the **rules on monitoring and reporting of shipping emissions** was [adopted](#) on 12 October. The ECSA secretariat did not answer to the [consultation](#) which was opened until 30 August (Ref: C-13171 of 04/08/2023). The delegated act now includes the reference to FuelEU Maritime when covering the possibility for companies to diverge from the default values for the emission factors listed in the table at page 3, but also when covering the possibility to use certified values. The values for e-methanol were modified in the table. This delegated act was [published in the EUOJ](#) on 14 December.
- The delegated act on the **rules for reporting and submission of the aggregated emissions data at company level** was [adopted](#) on 12 October. The ECSA secretariat did not answer to the [consultation](#) which was opened until 31 August (Ref: C-13171 of 04/08/2023). Recitals were added on the responsible entity and on the consistency of zero-rating of biomass with other EU policies. This delegated act was [published in the EUOJ](#) on 15 December.
- The delegated act on the **operation of the Innovation Fund** was [adopted](#) by the Commission on 15 September. The [consultation](#) and ECSA's contribution can be found [here](#) (Ref: C-13168 of 01/08/2023). This delegated act was [published in the EUOJ](#) on 20 November.
- The delegated act on the **update of emission allowances auctioning rules** was [adopted](#) by the Commission on 17 October. The ECSA secretariat did not answer to the [consultation](#) which was opened until 25 August (Ref: C-13169 of 02/08/2023). This delegated act was [published in the EUOJ](#) on 20 December.
- The delegated act on the **functioning of the Union Registry** was [adopted](#) on 25 October. The ECSA secretariat did not answer to the [consultation](#) which was opened until 28 August (Ref: C-13169 of 02/08/2023). This delegated act has not been published in the EUOJ yet.

## Implementing acts

In addition, the following implementing act were published in the Official Journal and entered into force on the third day following that of their publication:

- The implementing act on the identification of **neighbouring container transshipment ports** was [published](#) in the official journal. The ECSA secretariat did not answer to the [consultation](#) which was opened until 18 September (Ref: C-13180 of 22/08/2023). The annex of this implementing was not modified after the consultation. East Port Said in Egypt and Tanger Med in Morocco are the two ports defined as neighbouring container transshipment ports.
- The act on **templates** for monitoring plans, reports & other documents for shipping emissions was [published](#) on the 7 November (Ref: C-13296 of 23-11-23). The ECSA secretariat did not answer to the [consultation](#) which was opened until 1<sup>st</sup> of September (Ref: C-13173 of 07/08/2023).
- The act on the rules for the **administration of shipping companies** by administering authorities under the EU Emissions Trading System was [published](#) on 23 November (Ref: C-13296 of 23-11-23). The [consultation](#) and ECSA's contribution can be found [here](#) (Ref: C-13215 of 26-09-23). The responsible entity is the shipowner. The shipowner can contractually mandate the ISM company to assume responsibility for the EU ETS obligations and to surrender the EU ETS allowances. In this case, the ISM company should provide its administering authority with information on ships under its responsibility.

## Upcoming publications

During the summer, the Commission opened several consultations on the delegated and implementing act related to the EU ETS (ref: C-13191 of 01/09/23). Only one delegated act has not been published by the Commission yet:

- The delegated act on rules on approval and verification activities and accreditation of verifiers in relation to maritime transport emissions. The ECSA secretariat did not answer to the [consultation](#) which was opened until 1<sup>st</sup> of September COB (Ref: C-13173 of 07/08/2023).

## Next steps

The revised EU ETS and EU MRV legislation will apply from 1<sup>st</sup> January 2024.

I remain at your disposal if you have questions.

Best regards,

Fanny

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