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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

laying down rules for the application of Regulation (EU) 2023/1805 of the European Parliament and of the Council, as regards access rights and the functional and technical specifications of the FuelEU database

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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laying down rules for the application of Regulation (EU) 2023/1805 of the European Parliament and of the Council, as regards access rights and the functional and technical specifications of the FuelEU database

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC¹, and in particular Article 19(3) thereof,

Whereas:

- (1) To increase the consistent use of renewable and low-carbon fuels and substitute sources of energy in maritime transport across the Union, Regulation (EU) 2023/1805 lays down uniform rules imposing a limit on the greenhouse gas intensity of energy used on board a ship arriving at, staying at or departing from ports under the jurisdiction of a Member State, and an obligation to use an on-shore power supply ('OPS') or zero-emission technologies at berth in ports under the jurisdiction of a Member State.
- (2) To ensure the compliance of monitoring of ships with Regulation (EU) 2023/1805, an electronic database (the 'FuelEU database') is to be set up pursuant to that Regulation, which should be used for actions necessary to fulfil the obligations set out in it.
- (3) To enable all stakeholders fulfil their obligations set out in Regulation (EU) 2023/1805 in a centralised and harmonised way, the FuelEU database should support: (i) companies in reporting each ships' energy consumption and emissions; (ii) verifiers in the verification process and issuance of the FuelEU document of compliance; and (iii) the administering authorities in accessing and entering the information needed for their activities.
- (4) The objective of the FuelEU database is to significantly alleviate the administrative workload placed on companies, verifiers and other stakeholders. It is built upon the comprehensive network of relevant IT systems, designed to streamline reporting processes within the maritime sector.
- (5) The primary foundational structure upon which the FuelEU database is built is THETIS-MRV, which was created to support the implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council,² with the aim of capitalising

¹ OJ L 234, 22.9.2023, p. 48, ELI: <http://data.europa.eu/eli/reg/2023/1805/oj>.

² Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC ([OJ L 123, 19.5.2015, p. 55, ELI: http://data.europa.eu/eli/reg/2015/757/oj](http://data.europa.eu/eli/reg/2015/757/oj)).

on previously submitted data. That strategic approach complies with the ‘reporting only once principle’, fostering synergies between the reporting under Regulations (EU) 2015/757 and (EU) 2023/1805 and ensuring the harmonisation and consistency of information across all operational facets.

- (6) In order to be taken into account for the limits set in Article 4 of Regulation (EU) 2023/1805, sustainable marine fuels should be certified in accordance with Article 10 of that Regulation. To ensure transparency and mitigate the risk of fraud or erroneous reporting. The Union Database established in accordance with Article 28(2) and (4) of the Directive (EU) 2018/2001 of the European Parliament and of the Council³ could be used to demonstrate the compliance of marine bunker fuels across the whole supply chain. To that end, the FuelEU database environment shall be connected to the Union Database when its scope and functionalities have been adapted accordingly. This will facilitate reporting for companies and support verification activities.
- (7) It is necessary to ensure consistency between this Regulation and Commission Implementing Regulation 2024/2027⁴ in order to streamline verification activities.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the rules for access rights and the functional and technical specifications, including notification rules and filtering, of the FuelEU database. It builds upon existing IT systems in the European Maritime Safety Agency (EMSA), mainly THETIS-MRV.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘THETIS-MRV’ means the automated Union operation system run by EMSA pursuant to Regulation (EU) 2015/757 of the European Parliament and of the Council;⁵

³ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82–209, ELI: <https://eur-lex.europa.eu/eli/dir/2018/2001/oj/eng>)

⁴ Commission Implementing Regulation (EU) 2024/2027 of 26 July 2024 on verification activities pursuant to Regulation (EU) 2023/1805 of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC (OJ L, 2024/2027, 29.7.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2027/oj).

⁵ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55–76, ELI: <https://eur-lex.europa.eu/eli/reg/2015/757/oj/eng>)

- (2) ‘SafeSeaNet’ means SafeSeaNet as defined in Article 3, point (s), of Directive 2002/59/EC of the European Parliament and of the Council;⁶
- (3) ‘Authentication’ means authentication as defined in Article 3, point (5), of Regulation (EU) No 910/2014 of the European Parliament and of the Council;⁷
- (4) ‘System-to-system interface’ means an interface for exchanging information in an automated way using a set of predefined messages.

Article 3

Access rights and management actions

1. Access rights and functionalities of the FuelEU database shall correspond to the respective responsibilities of the actors involved in the implementation of Regulation (EU) 2023/1805. THETIS-MRV shall have the types of users with the corresponding access rights:
 - (a) Member States in the following configurations:
 - (1) Administrator: access restricted to the information needed to manage users and their roles in that State in its capacity as an administering State or the Member State of the port of call.
 - (2) Administering State:
 - access restricted to information from ships of companies associated with that administering State, including the assessed FuelEU monitoring plan, the verified FuelEU report and partial FuelEU report, the verification report, the verified compliance balance and OPS exceptions and records of non-compliance pursuant to Regulation (EU) 2023/1805;
 - management of the FuelEU document of compliance pursuant to Article 17(5) of Regulation (EU) 2023/1805, the additional checks report pursuant to Article 17(3) of Regulation (EU) 2023/1805 and the FuelEU penalty-related features pursuant to Article 23(2) of Regulation (EU) 2023/1805.
 - (3) Flag State:
 - Access restricted to information related to enforcement actions pursuant to Article 25(3) and Article 25(5) of Regulation (EU) 2023/1805.
 - (4) Competent authority of the Member State of the port of call:
 - access restricted to the FuelEU document of compliance;

⁶ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 05/08/2002, p. 10, ELI: <http://data.europa.eu/eli/dir/2002/59/oj>).

⁷ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114, ELI: <https://eur-lex.europa.eu/eli/reg/2014/910/oj/eng>)

- management of OPS exceptions and records of non-compliance pursuant to Article 6(9) of Regulation (EU) 2023/18.
- (5) National accreditation body: access to information on the verifiers that have been accredited by that national accreditation body and ships associated with those verifiers. This information shall include the assessed FuelEU monitoring plan, the verified FuelEU report and partial FuelEU report, the FuelEU document of compliance, the verified compliance balance and the additional checks report.
- (b) Company:
- access to all information on the ships under its responsibility and previous records, including the FuelEU document of compliance, the FuelEU report and partial FuelEU report, the verification report, the compliance balance, the additional checks report, OPS exceptions;
 - access to limited information on the pooling of compliance arrangements pursuant to Article 21 of Regulation (EU) 2023/1805;
 - management of the ship and company data, and the monitoring plan pursuant to Articles 7 and 8 of Regulation (EU) 2023/1805 respectively.
- (c) Verifier:
- access to all information on the ships under its responsibility, previous records and information on all ships in the compliance pool where the verifier is selected to verify the pool compliance;
 - management of the monitoring plan, FuelEU report and partial FuelEU report, verification report, FuelEU document of compliance, compliance balance and OPS exceptions pursuant to Regulation (EU) 2023/1805.
- (d) European Commission:
- access to all assessed and verified information in order to analyse and use the data in aggregate form, including the assessed monitoring plan, the verified FuelEU report and partial FuelEU report, for the management reports referred to in Article 5(2) and 30(2) of Regulation (EU) 2023/1805, FuelEU document of compliance, the verified compliance balance, the additional checks report and OPS exceptions.
2. Access rights referred to in paragraph 1 shall be restricted to read-only. Management functionalities referred to in paragraph 1 shall include creating and modifying data.

Article 4

Connection to on-shore power supply

1. The FuelEU database shall enable the competent authority of the Member State of the port of call or any duly authorised entity to record exceptions provided for in Article 6(5) of Regulation (EU) 2023/1805 ('OPS exceptions') and records of non-

compliance with on-shore power supply (OPS) obligations pursuant to Article 6(9) of Regulation (EU) 2023/1805 using an electronic form available in THETIS-MRV.

Article 5

Management of the compliance balance and FuelEU penalties

1. The FuelEU database shall incorporate a compliance balance calculator to enable the company to monitor and manage its compliance balance and to use the flexibility mechanisms provided for in Articles 20 and 21 of Regulation (EU) 2023/1805 as necessary.
2. For the purpose of calculating or recording the ship-specific compliance balance referred to in Article 16(4), point (b) of Regulation (EU) 2023/1805, the FuelEU database shall make an electronic template available.
3. The FuelEU database shall enable the company and the verifier to interact with one another in order to request, assess, approve and record either of the following:
 - (a) the carry-over of the compliance surplus to the following reporting period;
 - (b) the borrowing of an advance compliance surplus from the following reporting period of any of its ships as provided for in Article 20(1) and 20(3) of Regulation (EU) 2023/1805.
4. The FuelEU database shall incorporate a pooling functionality that enables companies and verifiers to interact with one another in order to pool the compliance balance of different ships and to register and verify the composition of the pool and the allocation of the pool's compliance to each ship, as provided for in Article 21 of Regulation (EU) 2023/1805.
5. A notification system shall be implemented to inform the company when the verified compliance balance of its ship has been recorded in the FuelEU database.
6. After the conclusion of the verification of compliance balance by the verifier, the information on the compliance balance shall be made available by verifiers to other users referred to in Article 3 of this Regulation through the FuelEU database.
7. The FuelEU database shall enable the administering state to record and notify to the company the amount of FuelEU penalties applicable to its ships, pursuant to Article 23 of Regulation (EU) 2023/1805, and the subsequent proof of payment by the company. Any penalty issued and enforcement action taken by the administering state shall be automatically recorded in the FuelEU database.

Article 6

FuelEU document of compliance

1. The FuelEU database shall enable the verifier or the administering State as appropriate, to issue the FuelEU document of compliance for the ship concerned, as provided for in Article 22 of Regulation (EU) 2023/1805. For the purposes of issuing

the FuelEU document of compliance, the verifier shall provide the data required using an electronic template available in the FuelEU database.

2. After the issuance of the document of compliance by the verifier, the information on the document of compliance shall be made available by verifiers to other users referred to for in Article 3 of this Regulation through the FuelEU database.

Article 7

Security

1. A secured identification mechanism shall be implemented in the FuelEU database to identify unique users and assign each user a unique ID.
2. The authentication process for system-to-system interfaces accessing the FuelEU database shall be based on recognised authentication methods, ensuring the integrity and security of data exchanges.
3. Users accessing the FuelEU database shall be authorised based on access control measures, regulating their access to information and functionalities within the database as provided for in Article 3 of this Regulation.
4. Authorisations granted to users shall be periodically reviewed to ensure compliance with access control policies and to adapt to any changes in user roles and responsibilities.
5. The FuelEU database shall ensure non-repudiation of actions performed by users through its interfaces. For this purpose, the database shall record the user, timestamp and action carried out for any modifications, facilitating auditing and a forensic analysis of user activities.

Article 8

Visual requirements

1. The FuelEU database shall be designed to accommodate various screen sizes and viewports to ensure optimal accessibility for users.
2. In the event of a user accessing a web page using a non-compatible browser, a ‘non-support’ message shall be displayed, informing the user of the browser’s incompatibility and providing guidance on alternative browsers that support the content.
3. All information made publicly available shall be provided in English to ensure that it is accessible and understandable to a wide audience.

Article 9

System updates

1. EMSA may update functionalities and the interface of the FuelEU database if necessary, considering the experience gained, technological advancements, evolving user needs and emerging best practices in web accessibility and usability.
2. Updates and corrections shall be notified to all users prior to implementation to allow for a timely adjustment of any supporting systems or procedures, and clearly communicated to all users through release notes and detailed technical specifications. Specifications for data exchange formats shall be made available no later than 1 month before implementation.

Article 10

Entry into force

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Commission
The President
[...]