

Issued: 15 May 2025

Legal basis:

Act on Environmental Protection in Maritime Transport (1672/2009, as amended)

Implemented EU legislation:

Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC (FuelEU Maritime Regulation)

Modification details:

No modification. Note on interpretation pertaining to generally, Article 20 *Banking and borrowing of compliance surplus between reporting periods* and more specifically to banking of surplus pursuant to paragraph 6, Article 21 *Pooling Compliance*.

Banking of compliance surplus by a ship participating in a pooling pursuant to FuelEU Maritime Regulation

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1 Subject and purpose

This note addresses the interpretation of compliance surplus banking in relation to pooling under Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC (FuelEU Maritime). Specifically, it concerns the following question:

Whether surplus compliance balance can be banked by a ship participating in a pooling, irrespective of their initial compliance status upon entering the pool.

2 Legal Framework

According to Article 20(1) of the FuelEU Maritime Regulation, on the basis of the calculations undertaken in accordance with Article 16(4), where the ship has, for the reporting period, a compliance surplus on its GHG intensity as referred to in Article 4(2) or, if applicable, on the RFNBO subtarget as referred to in Article 5(3), **the company may bank it to the same ship's compliance balance for the following reporting period**. The company shall record the banking of the compliance surplus to the following reporting period in the FuelEU database subject to approval by its verifier. The company may no longer bank the compliance surplus once the FuelEU document of compliance has been issued.

Pursuant to Article 21(2), the company shall register in the FuelEU database its intention to include the ship's compliance balance in a pool, the allocation of the total pool compliance balance to each individual ship, and the choice of the verifier selected for verifying that allocation. It is noted, the FuelEU Maritime Regulation does not give further details on the rules for the allocation of the pool's total compliance balance, as **this is a contractual matter between the pool participants and the selected verifier for the allocation**.

Furthermore, paragraph 4 states that a pool is valid only if the total pooled compliance is positive, if ships which had a compliance deficit as calculated in accordance with Article 16(4) do not have a higher compliance deficit after the allocation of the pooled compliance, and if ships which had a compliance surplus as calculated in accordance with Article 16(4) do not have a compliance deficit after the allocation of the pooled compliance.

Paragraph 6 provides that if the total pool compliance balance results in a compliance surplus for **an individual ship**, banking of such surplus under Article 20(1) shall apply.

3 Interpretation

Banking of surplus is available for the pool's ships irrespective of their initial compliance status, i.e., surplus or a deficit, upon entering the pool.

The company shall record the banking of the compliance surplus to the following reporting period in the FuelEU database subject to approval by its verifier. Importantly, surplus banking must occur before the issuance of the FuelEU document of compliance.

It is noted, the FuelEU Maritime Regulation does not give further details on the rules for the allocation of the pool's total compliance balance, as **this is a contractual matter between the pool participants and the selected verifier for the allocation.**

4 Validity

This note is based on the interpretation of the FuelEU Maritime Regulation prevalent at the time of publication. Traficom reserves the right to update this interpretation in accordance with further instructions and/or regulatory developments. The interpretation set out herein has been confirmed by European Commission, reflecting the common understanding within the current regulatory framework.