COMMISSION IMPLEMENTING REGULATION (EU) 2022/46

of 13 January 2022

implementing Regulation (EU) 2021/1139 of the European Parliament and of the Council establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 as regards the identification of energy-efficient technologies and the specification of methodology elements to determine the normal fishing effort of fishing vessels

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/1139 of the European Parliament and of the Council establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 ([1]), and in particular Article 18(5) thereof,

Whereas:

(1) Article 18(1) of Regulation (EU) 2021/1139 allows the European Maritime, Fisheries and Aquaculture Fund to support the replacement or modernisation of a main or ancillary engine of a fishing vessel up to 24 metres in overall length.

(2) The support referred to in Article 18 of Regulation (EU) 2021/1139 contributes to the specific objective of increasing energy efficiency and reducing CO_2 emissions through the replacement or modernisation of engines of fishing vessels, as referred to in Article 14(1), point (b) of Regulation (EU) 2021/1139.

(3) Article 18(5) second subparagraph, point (a) of Regulation (EU) 2021/1139 refers to the energy-efficient technologies used by the new engine, it is necessary to identify those energy-efficient technologies that contribute to the reduction of CO_2 emissions.

(4) Article 18(5), second subparagraph, point (c) of Regulation (EU) 2021/1139 provides that the Member State is to measure that the new engine emits 20 % less CO_2 or uses 20 % less fuel than the engine being replaced under the normal fishing effort of the vessel concerned.

(5) For the purposes of the measurement by the Member State, it is necessary to determine what should be considered the 'normal fishing effort of the vessel concerned', taking into account the great variety of fishing vessels, their fishing techniques, travel distances and load factors which vary over time and all have an impact on CO_2 emissions and fuel consumption.

(6) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Maritime, Fisheries and Aquaculture Fund,

HAS ADOPTED THIS REGULATION:

Article 1

Energy-efficient technologies used by new engines

For the purposes of Article 18(5), second subparagraph, point (a) of Regulation (EU) 2021/1139, new engines of fishing vessels shall be construed to use energy-efficient technologies where:

(1) they use:

(a) hydrogen;

(b) ammonia;

([1]) OJ L 247, 13.7.2021, p. 1.

(c) internal combustion;

(d) fuel cells;

(e) electricity;

(f) a combination of electricity and combustion (hybrid);

(g) fuel cell hybrid;

(2) they are type-approved in accordance with Regulation (EU) 2016/1628 of the European Parliament and of the Council ([2]).

Article 2

Normal fishing effort of fishing vessels

For the purposes of Article 18(5), second subparagraph, point (c) of Regulation (EU) 2021/1139, Member States shall base on the following elements their decision as to what is to be construed as the normal fishing effort of the fishing vessel for which an application for support is made:

(1) the characteristics and fishing pattern of the fishing vessel concerned;

(2) the average of ten representative fishing trips carried out during the three calendar years preceding the application for support; and

(3) the fishing techniques used and the time spent at sea by the fishing vessel concerned during the representative fishing trips.

Article 3

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*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 January 2022.

For the Commission
The President
Ursula VON DER LEYEN

([2]) Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53).