



Brussels, **XXX**  
[...] (2023) **XXX** draft

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

**of **XXX****

**identifying neighbouring container transshipment ports pursuant to Directive  
2003/87/EC of the European Parliament and of the Council**

(Text with EEA relevance)

*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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**identifying neighbouring container transshipment ports pursuant to Directive 2003/87/EC of the European Parliament and of the Council**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC<sup>1</sup>, and in particular Article 3ga(2) thereof,

Whereas:

- (1) Directive 2003/87/EC was amended by Directive (EU) 2023/959 of the European Parliament and of the Council<sup>2</sup> to include maritime transport emissions within the system for greenhouse gas emission allowance trading within the Union (the ‘EU ETS’).
- (2) In order to reduce the risk of evasive port calls by containerships to ports outside of the Union and relocation of container transshipment activities to ports outside of the Union, Directive 2003/87/EC provides for an exclusion from the definition of ‘port of call’ of stops of containerships in a neighbouring container transshipment port identified in the implementing act adopted pursuant to Article 3ga(2) of that Directive.
- (3) In accordance with Article 3ga(2), second subparagraph, of Directive 2003/87/EC, a port to be identified as a neighbouring container transshipment port, needs to meet several criteria. The port’s share of transshipment of containers must exceed 65 % of the total container traffic of that port during the most recent twelve-month period for which relevant data are available. The port must be located outside the Union but less than 300 nautical miles from a port under the jurisdiction of a Member State. However, the implementing act is not to identify ports located in a third country for which that third country effectively applies measures equivalent to Directive 2003/87/EC.
- (4) East Port Said is located less than 300 nautical miles from a port under the jurisdiction of a Member State. The share of transshipment of containers of East Port Said exceeded 65% of the total container traffic of that port during the most recent twelve-month period for which relevant data are available. Egypt does not apply measures equivalent

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<sup>1</sup> OJ L 275, 25.10.2003, p. 32.

<sup>2</sup> OJ L 130, 16.5.2023, p. 134.

to Directive 2003/87/EC for East Port Said. East Port Said should therefore be identified as a neighbouring container transshipment port.

- (5) Tanger Med is located less than 300 nautical miles from a port under the jurisdiction of a Member State. The share of transshipment of containers of Tanger Med exceeded 65% of the total container traffic of that port during the most recent twelve-month period for which relevant data are available. Morocco does not apply measures equivalent to Directive 2003/87/EC for Tanger Med. Tanger Med should therefore be identified as a neighbouring container transshipment port.
- (6) To ensure the effective functioning of the EU ETS, which is to include emissions from maritime transport released from 1 January 2024, this Regulation should apply from that date.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The neighbouring container transshipment ports referred to in Article 3ga(2) of Directive 2003/87/EC are identified in the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 January 2024.

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

Done at Brussels,

*For the Commission*  
*The President*  
Ursula VON DER LEYEN