

REDUCING GREENHOUSE GAS EMISSIONS FROM SHIPS

MINUTES OF THE FIRST MEETING OF THE SHIPS WORKING (WG Ships) GROUP 6

HELD ON 8 & 9 February 2011

at the Albert Borschette Building, BRUSSELS

These minutes summarise the discussions in the first meeting of the ECCP Working Group on ships. The group was set up to provide input to the Commission in its work to develop and assess options for the inclusion of international maritime transport in the EU's GHG reduction commitment should there be no sufficient international agreement addressing these emissions. The ECCP brings together relevant stakeholders, to discuss and prepare the further developments of the EU and the modalities of reducing GHG emissions from ships.

This meeting is the first of a series of three meetings foreseen to consider a list of topics important to the maritime sector and focused on scope, monitoring and enforcement.

All presentations referred to below are available, as well as a list of organisations represented in the group at: http://ec.europa.eu/clima/documentation/eccp/second_stakeholder_en.htm

These minutes record the views expressed by representatives present in the Group.

For the next ECCP

It was requested that the background material be sent earlier (BE, DE, DK, NL, INTERTANKO) and that the dates of the second ECCP be changed to avoid overlap with IMO and UNFCCC meetings. FI suggested that the 3rd meeting be held after MEPC 62. WSC and others requested a set of scope scenarios to discuss. IETA also requested additional time to discuss reporting, verification and enforcement (before evasion). Commission Representatives agreed that the issues could be re-opened at a subsequent session.

Shipping GHG emissions and the IMO

The majority of participants stated that the priority should be to aim for a global agreement reached at the IMO level (FI, DE, NL, GR, INTERTANKO, ECSA, SE, T&E, WSC, CY, ESC, UK, ECC, Seas at risk, DK, MT, FR, IMO, CESA, NO, IR). The Commission also stated its strong preference for an effective global agreement and stated clearly that an IMO or UNFCCC measure should be adopted which includes maritime transport emissions in reduction commitments. The ECCP forum is a way for stakeholders to express their views at a level of detail that will help measures to make sense, whatever the fora for their implementation.

NGO T&E stressed the need to cover maritime emissions, as aviation emissions will soon be fully covered by the EU ETS. T&E also called upon the 5 EU MS that have not ratified MARPOL Annex VI to do so ASAP (T&E, NO) and with regards the Energy Efficiency Design Index (EEDI), to strengthen the EU voice behind its adoption.

Views on regional action

Following an initial presentation, participants made the following points regarding the specificities of any potential regional measure:

- Consistent with 9 IMO principles (DK, ECC, NL, NO)
- Based on existing IMO tools and documentation as this will facilitate expansion into a global scheme (ECC, NL, MT, BIMCO, NO, EMSA)
- CESA underlines that this approach should be followed only where appropriate and may not lead to the use of the technically insufficient EEDI concept as a basis for a possible European MBI.
- Importance for 'expandability' into an IMO scheme. A replicable regional measure would mean that different measures adopted in various parts of the world could fit together. (SE, CY)
- Flag neutral & avoid distortion of competition (BIMCO, WSC, NL, DK, MT, NO)
- Minimum administrative burden (ESC, NL)
- Favouring incentives rather than sticks (ESC)
- Be adopted fast (NL)
- Start with a phase-in approach (IMO, NL, NO, EMSA)
- Cover a large volume of emissions (SE, Sea at risk)
- Any MBM has to avoid competitive distortion and evasion (DE, FR, NL) as well as carbon leakage (FR,NL)
- Fair and equitable measures which will not impact negatively on competitiveness (ESC) and

Scope Discussion

After an opening presentation, stakeholders exchanged views on the different aspects of scope:

Type of GHG emissions - the IMO Secretariat, NL and FI proposed to cover CO₂ (initially – NL, FI). NGO T&E stressed the importance to cover black carbon, a potent GHG and NO_x emissions as these cause major eutrophication problems. Even though extensive efforts have gone into targeting NO_x emissions from land based sources, no sufficient efforts have gone into addressing those coming from shipping. On this point, Commission representatives explained the planned revision of the Sulphur Directive.

Geographical Scope - NGO Seas at Risk, as well as SE, argued for the largest coverage possible to avoid market distortion. DE stressed that the matter should therefore be regulated on a global rather than on a regional level. MT stressed the importance to study this topic more extensively. The WSC, CY and NO, suggested that an EU measure should rely on a port entry based system, rather than a time or distance based one (CY, NO). The WSC explained that a time based measure would be difficult to apply in practice and that more analysis on the workability of such an approach is needed (WSC, BE, UK). Similarly, the distance based scheme has difficulties but precedents are available (WSC).

IE suggested a hybrid scheme covering ships that bunker in the EU vs. all other ships. MT suggested different measures for different scope boundaries in a staggering manner. Similarly, Business Europe favoured various instruments for intra EU, inland and outside EU shipping.

Liabile entity responsible for covering emissions – Different views were expressed as to who should be the liable entity. CY suggested the registered owner and for non EU flagged vessels the use of Internal Safety Management Code (ISM Code) manager; CY will provide written comments to all participants with explanations. IE suggested the registered operator rather than the owner. SE suggested a hybrid scheme, with an upstream and downstream approach for ships not buying emissions by covered suppliers. MT suggested considering a combination of measures applicable differently to intra-EU shipping and ships going/coming from third countries.

EUROPIA had a different opinion and expressed its preference for a downstream approach, stating that marine fuel suppliers should not be involved. EUROPIA suggested that the liable entity be the one responsible and/or having an influence on emissions reductions. This was also supported by FI and SE. ECSA suggested using the management company and the use of compliance documents showing the person in charge of safety.

Type of Ships – Different views were expressed with regards which type of ships should be covered. NL suggested the coverage of as many ships as possible but stated the need for further information and analysis. Similarly, SE explained that smaller ships should not be exempted to protect intra-EU shipping competition, but also because relatively small ships are large emitters. A hybrid system was suggested (upstream for smaller ships, and downstream for larger one). EMSA also supported the hybrid approach suggested by SE.

A large group of participants was in favour of covering larger ships above a certain threshold.

The WSC, the IMO Secretariat and SI proposed to target large ships at first, as covering small ships could be extremely burdensome (WSC, IETA) and could lead to modal shift (IMO, ECSA). Also, by addressing larger ships first, it will be possible to assess the scheme's monitoring capabilities/difficulties (SI). A different measure could then be developed for smaller ships (BIMCO). The IMO Secretariat proposed the use of a high tonnage threshold and BIMCO suggested the IMO thresholds (thereby making the system expandable into a global measure). The UK added that the '*de minimis*' threshold need not compromise the environmental effectiveness of the scheme – for instance a 500Gt threshold could be used, as stated in the CE DELFT report, 97% of emissions in 2006 were produced by ships above 500Gt. Commission representatives noted that 80% of emissions come from ships above 5000gt. EMSA also suggested the use of IMO thresholds including MARPOL and SOLAS.

However, a threshold based system could incentivise shipbuilders to build ships below that threshold (WSC). Also, IACS expressed their concern about underpowered ships being produced: there is a need to be able to keep going in heavy weather.

Legal aspects – certain participants raised concerns regarding the legal aspects of a regional scheme, especially if based on port entry (UK, BIMCO, WSC, BE, CY). However, NGO Seas at Risk and CY stated that most legal issues could be overcome. They gave some example such as the US Oil Pollution Act (OPA). Commission representatives observed that partial coverage of industry was precedent. In a recent ECJ case (Arcelor case C-127/07), the Court ruled that provided the regulator extends coverage over time, a portion of the sector may be covered at first.

Speed Limit Approach – NGOS were very supportive of this approach versus the industry which raised many concerns.

NGO Seas at Risk suggested the need for a speed limit imposed as a mandatory requirement to port entry, and as a potential complementary measure to a MBM. Slow steaming would help ships meet their operational EEDI and lead to actual in-sector reductions. This view was supported by NGO T&E confirming that slow steaming leads to immediate emissions reductions. Even though more ships might be required, the CO₂ gain will remain significant. Seas at Risk is currently organizing a study looking at speed limits, regionally, globally, and at contract and chartering aspects.

IE and FI explained their heavy reliance on shipping for imports and exports (95% of trade to Ireland is via ships). In this context, they both expressed their dislike towards this approach. FI explained that the increase in ships needed to compensate for the slower steaming, in combination with the heavy winter conditions, would increase GHG emissions significantly. The ECC explained that in addition to the increase in emissions, the need for more ships would mean additional crew would be required; currently the market lacks maritime crew. BIMCO added that slow steaming impacts the logistics chain negatively and that it is already done during fuel price increases. ECSA's concern was that a speed limit would lead to modal shift to aviation. SE explained that a speed limit could not be applicable on RORO and passenger ships as these are designed to run on specific schedules that allow a specific amount of trips per day. The ESC expressed concerns over resulting lower lead times. ESC therefore proposed that slow steaming be applied on a voluntary basis only (ESC, BIMCO).

MBM, technical or operational measures - NGO T&E stated that shipping should explore every possible avenue for emissions reductions (technical, operational and MBM). They urged the Commission to keep considering all possibilities and that a technical measure could influence the IMO members to act prompter. T&E also suggested fuel taxation in Europe.

For a regional scheme, the IMO Secretariat favoured an MBM stating that it would be more difficult to introduce operational and technical measures regionally. For example, the implementation of an operational measure requires a change of culture on board the ship – this is more difficult than to require ship operators to pay a fee. Similarly, it is more difficult to regulate the construction and design of ships regionally. The IMO Secretariat concluded that technical conditions could be set but these would certainly be less straightforward than an MBM.

Many other participants also agreed that all technical regulatory aspects should be dealt with by the IMO (NO, INTEMANAGER, OCIMF, MT). The importance of technology was also stressed by CESA, stating that as shown by DNV and the IMO studies, technological and operational measures combined provide net benefits to the operator. IACS added that any technical measure should be solely technically based and not politically driven (i.e. double hull).

Need for additional data - Many participants stated the need for additional data and examination of data. Data is needed about the composition of ship size/fraction/thresholds within Europe and segregate who comes from trans-oceanic voyages (WSC). FI requested that COM provides more information at the next meeting on the distribution of emissions (intra-EU / domestic / third countries) and per type of shipping (FI, Business Europe). This will also help determine which types of ships should be covered (IETA). (NB. The COM is intending to provide such information to the second ECCP meeting)

The following points were the main focus of the first discussion during the meeting:

Stakeholders

- Accept the urgent need to tackle climate change
- Strongly prefer a global solution
- Suggest building on existing scope/categories rather than reinventing the wheel
- Suggest focus on CO₂ initially
- Strongly support a flag neutral application
- Suggest port state control as a possible way of administering/enforcing
- Suggest a MBM is more appropriate for regional action than technical or operational measures

Monitoring

Following the EEA's presentation, Commission representatives made a brief presentation on monitoring and stressed its importance for ensuring successful implementation. FI supported this statement by quoting an IMO expert group report stating that "the integrity of an MBM depends on robust monitoring".

Two monitoring options were examined:

- Option 1 - Inventory control based on the log books or Bunker Delivery Notes (hereafter BDN). Use of emissions factors. 5% margin of error.
- Option 2: A direct measurement approach with a fuel consumption monitoring system.

The following points were then made by the stakeholders:

Data availability - NL stated that fuel consumption data is simple to gather as the crew normally measure and report fuel consumption on a daily basis. NL explained that the data may be inaccurate at times but that all technical issues preventing accurate data collection could be tackled. It was added that if the EEDI became adopted, ship operators would be very keen to have accurate information.

ECSA stated that there are many possible ways to monitor emissions but these are time consuming. From the technological/hardware side, CESA and INTERMANAGER confirmed that fuel consumption can be measured precisely. CESA explained that ship operators operating their own ship, are very keen in investing in monitoring equipment and that the uncertainties in the data originate from the lack of legal requirements and enforcement. In this context, SI expressed its contentment over the industry acknowledging full technical possibility to monitor its emissions and added that in combination with political will, progress could be made. For the dredging sector, fuel consumption depends on the activity and is straightforward to measure (what goes in, goes out). However, with the emissions, alterations are common depending on engine performance (EUDA).

The method to gather data - INTERMANAGER stated that from an operational point of view many indicators could be used for monitoring (data that gives indication on the tuning of the engines). This should be considered, as many factors (wind, waves etc) influence fuel consumption data and create uncertainties and inaccuracies. EMSA suggested the use of existing EU monitoring tools. Moreover that the EU Member States could as a condition to port entry, require data reporting.

IBIA explained that inaccuracies are common in fuel consumption data and therefore suggested emissions monitoring rather than fuel. Finally, the question of how precise we would want to be was raised (IBIA, IETA). The UK favoured the use of current available data and stated that a 5% margin for error sounds acceptable (Option 1). In the context of Option 1, BIMCO added that the IMO emissions factors should be used, as the industry is familiar with them and knows how they work. EUROPIA doesn't take position for any of the two Options but confirms that CO2 emissions calculation based on the IMO emissions factors established along with the IPCC factors are relevant.

The IMO Secretariat favoured Option 2 (direct measurement) and added that a ship calling regularly at an EU port, when subject to an emissions reduction measure, might chose to invest in a reliable emissions monitoring equipment. A ship that rarely calls at an EU port may prefer to pay a standard fee.

Entity responsible for reporting fuel consumption - SE stated that the shipowner should report fuel consumption by providing a declaration, i.e. like the Norwegian tax which has a declaration system and makes use of the BDNs and the log books; ships prove they emitted less than the benchmark (IMO). EMSA added that with such a system which looks at the level of the single ship, the declaration data could then be compared with the bunker fuel sale statistics.

Reporting of fuel consumption - The IMO Secretariat explained that there is no legal requirement for ships to report their emissions. A 2008 IMO Secretariat proposal to introduce mandatory reporting of fuel consumption was turned down by the IMO Member States at the time. While it was recognized that fuel consumption data could be seized on every ship, IMO Member States objected to data collection for two main reasons:

- the resulting burden for management companies and the large flag states
- commercial confidentiality issues.

There is no plan by the IMO to raise this proposal again in the foreseeable future (IMO).

ECSA mentioned a voluntary reporting exercise which was carried out in Hamburg. Help/info could be requested from them. To minimise administrative burden, SE proposed that ships which run frequently between two ports, only report their fuel consumption once a month. Moreover, incentives could be offered to enhance accurate reporting and compliance. For the other ships (whether the scheme be route based or time based) a default value/price could be set.

EUDA suggested looking at the work of DG Enterprise on technical aspects. Moreover, EUDA requested that any measure adopted, create durable modification of the maritime market which will require all maritime stakeholders to change. DG CLIMA asked how the data collected at ship level could be consolidated and accurately reported for verification.

Verification - IETA pointed out the difference between the term verification when used in relation to GHG inventories and when used in relation to technology. Technological verification is done differently.

Upstream or Downstream - SE favoured an upstream approach in which shipowners would declare if the emissions bought were bought from a covered company. T&E explained that 50% of EU shipping emissions come from intra EU shipping and suggested ships be divided between the 'blue ships' which would be subject to an upstream charge and the 'red ships' (travelling outside the EU).

The WSC stated that an upstream system would be ideal if the market were closed; being open, a downstream system is most appropriate. Nevertheless, the WSC stated that a downstream system would still be very complicated to monitor and would impact the level playing field. The following questions were raised: How would you minimise under-reporting? Is it difficult to segregate how much fuel suppliers have supplied and to whom? How do you verify that data? This view was supported by the IMO secretariat.

Concluding Comments by the Chair

- There appears to be lots of monitoring already being done for commercial reasons – but no standard approach.
- Monitoring creates efficiencies and is beneficial for shipowners
- An adequate level of data accuracy is available
- The question is how much accuracy do we want
- Verification and reporting needs further discussing
- The definition of verification should be well defined when talked about

Enforcement

Following an initial presentation, EMSA mentioned the complementarities of the port State control and the flag State controls in enforcing measures applicable to ships. It highlighted the distinction should be made between controls in ports and Port State Controls which rely on the Paris Memorandum of Understanding (Paris MOU). The following points were made by the stakeholders:

Scope of enforcement - MT stressed the important link between scope and enforcement, and the need to have a clear understanding of who will fall within the scope of enforcement. Reference was made to the aviation sector, for which according to MT, the identification of whether an operator fell within the scope or not was a complex exercise. Also, MT does not favour exemptions as this makes the above mentioned exercise more complicated.

WSC stressed that the context of what we are enforcing matters greatly and that knowing the context of the scheme would make it easier for the stakeholders to give feedback on enforcement. The following questions were raised:

- Whether the Commission is envisaging enforcement through a single enforcement unit or whether the Member States will be responsible
- Whether the Commission is envisaging recording fuel consumption or making calculations based on specific fuel consumption over specific distance
- Whether it will be required for ships to account for emissions occurring outside the EU

CMIA asked whether it would be possible to have a different enforcement scopes for intra EU shipping vs. international shipping. Many recalled that intra-EU is also partly international (voyages between EU MS). CMIA also expressed preference for an open sector approach, in which shipping

would be allowed to trade allowances with other sectors – there would otherwise be a risk that the carbon price suffers of spikes.

Enforcement mechanisms - MT and BIMCO suggested the use of existing documentation (threshold certificates – BIMCO), regimes and proceedings (MT). MT and the IMO Secretariat both favoured a prescriptive approach, with clearly defined roles of who should do what. MT also suggested the hybrid approach. The ECC stated that ships should not be delayed because of the enforcement checks. NL proposed a risk based enforcement system with checks on a random basis (IMO).

In this context, it was mentioned that an advantage of a MBM is that it places fewer burdens on the industry than a Command and Control measure. The UK requested a linkable enforcement system, consistent and compatible to other systems.

EUDA favoured strong compliance incentives rather than bans (IE). The ECC asked whether early adopters could receive rewards.

IE favoured a sophisticated enforcement regime and suggested the use of SafeSeaNet (Maritime platform for exchange of information between designated authorities). Similarly to EUDA, IE does not favour banning procedures. Ships could give a 24h notice before nearing the port and confirm whether they are in compliance or not. If not, entry will not be allowed. This type of enforcement will be simple and won't require any physical intervention.

Commission representatives explained with the current EU ETS registry system, compliance and enforcement are straightforward. Once a year operators have to report their emissions in the registry. Those then have to be verified by the verifier, who is also in the registry. In the case of shipping, the verifier could look at the BDN which wouldn't add an extra requirement in itself. The operator would then have to surrender allowances based on the emissions reported and verified.

This system makes it easy for the regulator to see who complies and who doesn't; this information is then also publicly available, which creates an extra incentive for compliance due to the naming and shaming effect.

The IMO Secretariat suggested that each participating ship have its own account and that checks be done on a random basis. EMSA referred to a 'virtual wallet' attached to the ship identification number (IMO number). Amendments of the BDNs will be necessary, before these could be used for enforcement purposes. New enforcement tools, documentation but also new skills will be needed, if the system will not be purely paper based. For verification purposes SafeSeaNet could be very useful (but it would depend on the design of the system). The option of establishing a new entity for enforcement should be considered in further detail. For the use of the Long Range Identification & Tracking System (LRITS), the SOLAS convention would need to be amended to make sure LRIT could be used in that way. However, it is more likely that it could be used in the context of a global scheme than in a regional scheme.

IETA explained that verifiers could look at all BDNs associated with a ship, the quality of the fuel going on board and the effectiveness of the equipment. It could also be feasible to ask for calibration certification for the bunker barge. Bunker notes should be the basis of monitoring. The WSC stressed the need to have a MBM that will affect the price signal and push the industry to reduce emissions. The Norwegian NOx tax has elements of interest which could be used when designing an EU scheme (NO). FI mentioned the Sulphur Directive for which similar enforcement issues arise.

The IMO Secretariat made a closing comment and pressed Member States to ratify MARPOL Annex VI and vote for the adoption of the EEDI in July 2011. Finally, the IMO Secretariat asked DG CLIMA to strengthen its outreach policy and use its diplomacy, to push third countries with a view to adopting a global IMO led measure.

List of acronyms and abbreviations

BIMCO	Baltic and International Maritime Council
CEFIC	European Chemical Industry Council
CESA	Community of European Shipyards Association
CLECAT	European Association for Forwarding, Transport, Logistics and Customs Services
CMIA	Carbon Markets and Investors Association
DG ENTR	Directorate-General for Enterprise and Industry. European Commission.
DG MARE	Directorate-General for Maritime Affairs and Fisheries. European Commission.
DG MOVE	Directorate-General for Mobility and Transport. European Commission.
ECC	European Cruise Council
ECSA	European Community Shipowners' Associations
EMEC	European Maritime Equipment Council
EMSA	European Maritime Safety Agency
ESC	European Shippers Council
ESPO	European Sea Ports Organisation
EUDA	European Dredging Association
EUROCHAMBRES	European Association of Chambers of Commerce and Industry
EUROPIA	European Petroleum Industry Association
FEPOR	Federation of European Private Port Operators
IACS	International Association of Classification Societies
IBIA	International Bunker Industry Association
ICS	International Chamber of Shipping
IETA	International Emissions Trading Association
IMO	International Maritime Organization
INTERTANKO	International Association of Independent Tanker Owners
INTERMANAGER	International Ship Managers Association
MIF	Maritime Industries Forum
OCIMF	Oil Companies International Marine Forum
T & E	Transport and Environment
UNFCCC	United Nations Framework Convention on Climate Change

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