



2025/210

4.2.2025

**COUNCIL IMPLEMENTING DECISION (EU) 2025/210**

**of 28 January 2025**

**authorising Spain to apply a reduced rate of taxation to electricity directly supplied to vessels  
berthed in ports in accordance with Directive 2003/96/EC**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity <sup>(1)</sup>, and in particular Article 19(1), first subparagraph, thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Implementing Decision (EU) 2018/1491 <sup>(2)</sup> authorised Spain to apply a reduced rate of excise duty until 31 December 2024 to electricity directly supplied to vessels berthed in ports other than private pleasure craft ('shore-side electricity'), in accordance with Article 19 of Directive 2003/96/EC.
- (2) By letter of 27 February 2024, Spain sought authorisation to continue to apply a reduced rate of electricity tax to shore-side electricity pursuant to Article 19 of Directive 2003/96/EC. The Spanish authorities provided additional information related to the request by letters dated 11, 14 and 15 October 2024.
- (3) With the reduced tax rate that it intends to apply, Spain aims to continue promoting the use of shore-side electricity. The use of such electricity is considered to be an environmentally less harmful way to satisfy the electricity needs of vessels lying at berth in ports than the burning of bunker fuels by those vessels.
- (4) In so far as the use of shore-side electricity avoids emissions of air pollutants originating from the burning of bunker fuels, it contributes to an improvement in the local air quality in port cities and to noise reduction. The measure is therefore expected to contribute to the environmental, health and climate policy objectives of the Union.
- (5) Allowing Spain to apply a reduced rate of taxation to shore-side electricity does not go beyond what is necessary to increase the use of such electricity, since on-board generation of electricity will remain the more competitive alternative in most cases. For the same reason, and because of the current relatively low degree of market penetration of the technology, the measure is unlikely to lead to significant distortions in competition during its period of application and will thus not negatively affect the proper functioning of the internal market.
- (6) In accordance with Article 19(2) of Directive 2003/96/EC, each authorisation granted under that provision is to be limited in time. In order to ensure that the authorisation period is sufficiently long so as not to discourage relevant economic operators from making the necessary investments, it is appropriate to grant the authorisation for a four-year period. However, the authorisation should cease to apply from the date of application of any general provisions on tax advantages for shore-side electricity adopted by the Council under Article 113 of the Treaty on the Functioning of the European Union, or any other relevant provision of the Treaty, should such provisions become applicable during the period of the authorisation.

<sup>(1)</sup> OJ L 283, 31.10.2003, p. 51, ELI: <http://data.europa.eu/eli/dir/2003/96/oj>.

<sup>(2)</sup> Council Implementing Decision (EU) 2018/1491 of 2 October 2018 authorising Spain to apply a reduced rate of excise duty to electricity directly supplied to vessels at berth in a port, in accordance with Article 19 of Directive 2003/96/EC (OJ L 252, 8.10.2018, p. 40, ELI: [http://data.europa.eu/eli/dec\\_impl/2018/1491/oj](http://data.europa.eu/eli/dec_impl/2018/1491/oj)).

- (7) In order to provide legal certainty to port and ship operators and to avoid any disruption and a potential increase in the administrative burden for the distributors and redistributors of electricity, it should be ensured that Spain may continue to apply a reduced rate of taxation to shore-side electricity. The authorisation requested should therefore be granted with effect from 1 January 2025, in order to follow seamlessly on from the prior arrangements under Implementing Decision (EU) 2018/1491.
- (8) This Decision is without prejudice to the application of Union rules regarding State aid,

HAS ADOPTED THIS DECISION:

*Article 1*

Spain is authorised to apply a reduced taxation rate to electricity directly supplied to vessels, other than private pleasure craft, berthed in ports, provided that the minimum levels of taxation referred to in Article 10(1) of Directive 2003/96/EC are respected.

*Article 2*

This Decision shall apply from 1 January 2025 until 31 December 2028.

However, in the event that the Council, acting on the basis of Article 113 of the Treaty on the Functioning of the European Union, or any other relevant provision of the Treaty, introduces a modified general system for the taxation of energy products and electricity with which the authorisation granted in Article 1 of this Decision would not be compatible, this Decision shall cease to apply on the day on which that modified general system becomes applicable.

*Article 3*

The Decision shall take effect on the date of its notification.

*Article 4*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 28 January 2025.

*For the Council*

*The President*

A. SZŁAPKA