

Appendix 6: Make Significant Contribution and Do No Significant Harm criteria for the

Transportation and storage sector

Draft v.1 Note: writing in Green refers to draft Kenyan legislation which is to be confirmed; and writing in red requires further research.

6.1. Commuter road, passenger rail and freight rail transport

KeSIC code: 4911, 4912, 4921

Description of economic activity

- Passenger Rail Transport (Interurban)
- Freight rail Transport
- Urban and suburban passenger land transport (public transport)

Make Significant Contribution Criteria

A) Climate Change Mitigation

Objective

Demonstrate substantial GHG emission reduction by:

- Increasing the number of low- and zero emission fleets, and improving fleet efficiency;
- Improving efficiency of the overall transport/mobility system; and
- Increasing substitution of fossil fuels with sustainable alternative and net-zero carbon fuels

Metrics and thresholds

For Commuter road

The direct (tailpipe) CO₂ emissions of the vehicles are zero.

For Passenger rail

The activity complies with one or both of the following criteria:

- a) the trains and passenger coaches have zero direct (tailpipe) CO₂ emissions;
- b) the trains and passenger coaches have zero direct tailpipe CO₂ emission when operated on a track with necessary infrastructure and use a conventional engine where such infrastructure is not available (bimode).

For Freight Rail

1. The activity complies with one or both of the following criteria:

- a) the trains and wagons have zero direct tailpipe CO2 emission;
 - b) the trains and wagons have zero direct tailpipe CO2 emission when operated on a track with necessary infrastructure and use a conventional engine where such infrastructure is not available (bimode).
2. The trains and wagons are not dedicated to the transport of fossil fuels

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

The main potential significant harm to other environmental objectives from the operation of rail transport activities are attributed to air pollution, noise and vibration, water use. Direct emissions of air pollutants are not an issue of concern in the case of electrified rail, but only where (very efficient) diesel or hybrid engines would meet the CO2e-threshold defined to ensure substantial mitigation of GHG emissions.

A) Climate Change Mitigation

For commuter road adaptation projects

The activity does not include purchasing vehicles with CO2 emissions higher than average for the category.

For passenger rail adaptation projects
N/A

For freight rail adaptation projects

The trains and wagons are not dedicated to the transport of fossil fuels.

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

N/A

D) Ecosystem protection and restoration

N/A

E) Pollution prevention

For commuter road

Measures are in place to manage waste, in accordance with the waste hierarchy, both in the use phase (maintenance) and the end-of-life of the fleet. For battery-operated fleet, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.

For passenger rail and freight rail

Minimise noise and vibrations of rolling stock, thresholds in line with the **ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT, 1999 (ACT NO 8 OF 1999) [including DRAFT Noise regulations]** and the **Occupational Safety and Health Act, 2007**

F) Sustainable resource use and circularity

For commuter road

Ensure proper waste management both at the use phase (maintenance) and the end-of-life for e.g. reuse and recycle of parts like batteries, in compliance with the **ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (WASTE MANAGEMENT) REGULATIONS 2006, Drafted Sustainable Waste Management Act no. 31 of 2022.**

Measures are in place to manage waste, in accordance with the waste hierarchy, both in the use phase (maintenance) and the end-of-life of the fleet. For battery-operated fleet, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.

For passenger rail and freight rail

Measures are in place to manage waste in accordance with the waste hierarchy, in particular during maintenance.

6.2. Infrastructure for low carbon transport

KeSIC code: 4210, 4290

Description of economic activity

For climate change mitigation projects

- Infrastructure for personal mobility, cycling logistics - construction, modernisation, maintenance and operation of infrastructure for personal mobility, including the construction of roads, motorways bridges and tunnels and other infrastructure that are dedicated to pedestrians and bicycles, with or without electric assist.
- Infrastructure for rail transport - construction, modernisation, operation and maintenance of railways and subways as well as bridges and tunnels, stations, terminals, rail service facilities, safety and traffic management systems including the provision of architectural services, engineering services, drafting services, building inspection services and surveying and mapping services and the like as well as the performance of physical, chemical and other analytical testing of all types of materials and products.
- Infrastructure enabling low-carbon road transport and public transport - construction, modernisation, maintenance and operation of infrastructure that is required for zero tailpipe CO₂ operation of zero-emissions road transport, as well as infrastructure dedicated to transshipment, and infrastructure required for operating urban transport.
- Infrastructure enabling low carbon water transport - construction, modernisation, operation and maintenance of infrastructure that is required for zero tailpipe CO₂ operation of vessels or the port's own operations, as well as infrastructure dedicated to transshipment.
- Low carbon airport infrastructure - Construction, modernisation, maintenance and operation of infrastructure that is required for zero tailpipe CO₂ operation of aircraft or the airport's own operations, as well as for provision of fixed electrical ground power and preconditioned air to stationary aircraft.

For climate change adaptation projects

The economic activity is focuses on physical and non-physical solutions that reduce physical climate risks and include.

- Infrastructure for water transport - Construction, modernisation and operation of waterways, harbour and rivers works, pleasure ports, locks, dams and dykes and other, including the provision of architectural services, engineering services, drafting services, building inspection services and surveying and mapping services and the like as well as the performance of physical, chemical and other analytical testing of all types of materials and products and excludes project management activities related to civil engineering works.
- The economic activities in this category exclude dredging of waterways.

Make Significant Contribution Criteria

A) Climate Change Mitigation

Objective

Demonstrate substantial GHG emission reduction by enabling an:

- Increasing the number of low- and zero emission fleets, and improving fleet efficiency
- Improving efficiency of the overall transport/mobility system

Metrics and thresholds

Infrastructure for personal mobility, cycling logistics

The infrastructure that is constructed and operated is dedicated to personal mobility or cycle logistics: pavements, bike lanes and pedestrian zones, electrical charging and hydrogen refuelling installations for personal mobility devices.

Infrastructure for rail transport

1. The activity complies with one of the following criteria:

a) the infrastructure is either:

i. electrified trackside infrastructure and associated subsystems:

infrastructure, energy, on-board control-command and signalling, and trackside control-command and signalling subsystems;

ii. new and existing trackside infrastructure and associated subsystems where there is a plan for electrification as regards line tracks, and, to the extent necessary for electric train operations, as regards sidings, or where the infrastructure will be fit for use by zero tailpipe CO₂ emission trains within 10 years from the beginning of the activity:

infrastructure, energy, onboard control-command and signalling, and trackside control-command and signalling subsystems;

b) the infrastructure and installations are dedicated to transshipping freight between the modes: terminal infrastructure and superstructures for loading, unloading and transshipment of goods;

c) infrastructure and installations are dedicated to the transfer of passengers from rail to rail or from other modes to rail.

2. The infrastructure is not dedicated to the transport or storage of fossil fuels.

Infrastructure enabling low-carbon road transport and public transport

1. The activity complies with one of the following criteria:

a) the infrastructure is dedicated to the operation of vehicles with zero tailpipe CO₂ emissions: electric charging points, electricity grid connection upgrades, hydrogen fuelling stations or electric road systems (ERS);

b) the infrastructure and installations are dedicated to transshipping freight between the modes: terminal infrastructure and superstructures for loading, unloading and transshipment of goods;

c) the infrastructure and installations are dedicated to urban and suburban public passenger transport, including associated signalling systems for metro, tram and rail systems.

2. The infrastructure is not dedicated to the transport or storage of fossil fuels.

Infrastructure enabling low carbon water transport

1. The activity complies with one of the following criteria:

a) the infrastructure is dedicated to the operation of vessels with zero direct

(tailpipe) CO2 emissions: electricity charging, hydrogen-based refuelling;
b) the infrastructure is dedicated to the performance of the port's own operations with zero direct (tailpipe) CO2 emissions;
the infrastructure and installations are dedicated to transshipping freight between the modes: terminal infrastructure and superstructures for loading, unloading and transshipment of goods.
2. The infrastructure is not dedicated to the transport or storage of fossil fuels.

Low carbon airport infrastructure

1. The activity complies with one of the following criteria:
a) the infrastructure is dedicated to the operation of aircraft with zero tailpipe CO2 emissions: electricity charging and hydrogen refuelling;
b) the infrastructure is dedicated to the provision of fixed electrical ground power and preconditioned air to stationary aircrafts;
c) the infrastructure is dedicated to the zero direct emissions performance of the airport's own operations: electric charging points, electricity grid connection upgrades, hydrogen refuelling stations.
The infrastructure is not dedicated to the transport or storage of fossil fuels.

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

The main potential significant harm to other environmental objectives from infrastructure activities are attributed to noise and vibration pollution, water contamination, waste generation and impacts on biodiversity (habitat and wildlife) and land use consumption with ecosystem impacts specifically:

- Contamination of water during construction and unsustainable use of water during construction and operations
- Unsustainable use of resources during constructions, e.g. generation of high amount of waste, no recycling/reuse of construction waste
- Noise pollution can be relevant for both rolling stock and railway infrastructure as noise can be generated by both rolling stock and poor conditions of rail tracks.
- Construction of infrastructure can cause significant harm when taking place in protected areas or areas of high biodiversity values outside protected areas.
- Infrastructure can cause fragmentation and degradation of the natural and urban landscape due to the "barrier" effects of the infrastructure and can involve risks of wildlife accidents caused by collisions. Railway infrastructure (in particular tunnels) can cause change and degradation of hydromorphological conditions of water bodies and therefore have impacts on aquatic ecosystems.

C) Climate Change Mitigation

Infrastructure for personal mobility, cycling logistics adaptation projects:
N/A

Infrastructure for rail transport, Infrastructure enabling low-carbon road transport and public transport, Infrastructure enabling low carbon water transport and Low carbon airport infrastructure adaptation projects adaptation projects:

The infrastructure is not dedicated to transportation or storage of fossil fuels.

In case of new infrastructure or major renovation, the infrastructure has been climate proofed in accordance with the appropriate climate proofing practice that includes carbon footprinting and clearly defined shadow cost of carbon. Such carbon footprinting covers scope 1-3 emissions, and demonstrates that the infrastructure does not lead to additional relative greenhouse gas emissions, calculated on the basis of conservative assumptions, values and procedures.

D) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

E) Sustainable use of water and marine resources

Generic DNSH criteria section 8.3.2.

F) Ecosystem protection and restoration

The activity complies with the criteria set out in Generic DNSH criteria section 8.3.3.

For Infrastructure enabling low-carbon road transport and public transport projects:

Invasive plants are appearing very often along transport infrastructure and are sometimes even spread due to transport infrastructure, which might negatively impact natural ecosystems (e.g. natural fauna). Care should be taken not to spread any invasive plants through proper maintenance.

Wildlife collisions is a problem and should be considered. Solutions developed for should be applied for the detection and avoidance of potential traps that may cause the unnecessary death of animals. Mitigation options exist and different types of measures can be beneficial for wildlife, such as:

- Wildlife warning systems combined with heat sensors can reduce the number of collisions.
- Fences along areas with high strike risk.
- Viaducts, tunnels, overpasses and bridges, etc.
- Warning signals that are triggered by approaching traffic, particularly in areas of high strike risk.

G) Pollution prevention

For mitigation and adaptation projects

- Minimise noise and vibrations thresholds in line with the **ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT, 1999 (ACT NO 8 OF 1999) and the Occupational Safety and Health Act, 2007**

- Minimise noise, dust, emissions pollution during construction / maintenance works.

H) **Sustainable resource use and circularity**

For mitigation and adaptation projects

Re-use parts and use recycled material during the renewal, upgrade and construction of infrastructure.

At least 70% (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material generated on the construction site must be prepared for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials.

At least 70 % (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material) generated on the construction site is prepared for reuse, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy. Operators limit waste generation in processes related to construction and demolition taking into account best available techniques and using selective demolition to enable removal and safe handling of hazardous substances and facilitate reuse and high-quality recycling by selective removal of materials, using available sorting systems for construction and demolition waste.

6.3. **Passenger cars, road commercial vehicles and road freight transport**

KeSIC code: 4922

Description of economic activity

- Passenger cars
- Light commercial vehicles and category L vehicles

Freight transport services by road Make Significant Contribution Criteria

A) Climate Change Mitigation

Objective

Demonstrate substantial GHG emission reduction by:

- Increasing the number of low- and zero emission fleets, and improving fleet efficiency
- Increasing substitution of fossil fuels with sustainable alternative and net-zero carbon fuels

Metrics and thresholds

For passenger cars, light commercial vehicles, Category M1 and N1:

Until [31 December 2025]: vehicles with tailpipe emission intensity of max 50 g CO₂/km (WLTP). This also includes zero tailpipe emission vehicles (e.g. electric, hydrogen).

- From [1 January 2026] onwards: only vehicles with emission intensity of 0g CO₂/km (WLTP)

For motorbikes, Category L vehicles:

- Zero tailpipe emission vehicles (incl. hydrogen, fuel cell, electric).
For heavy-duty vehicles
- Zero direct emission heavy-duty vehicles are eligible.
- Low-emission heavy-duty vehicles with specific direct CO₂ emissions of less than 50% of the reference CO₂ emissions of all vehicles in the same sub-group are eligible.
- Dedicated vehicles solely using advanced biofuels or renewable liquid and gaseous transport fuels of non-biological origin and as well as low indirect landuse change-risk biofuels, guaranteed by technological design or by continuous monitoring and third-party verification.
- Fleets of vehicles dedicated to transport fossil fuels or fossil fuels blended with alternative fuels are not eligible.

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

The main potential significant harm to other environmental objectives from the operation of urban and suburban passenger land transport (public transport) are summarised as follows:

- Direct emissions to air from the exhaust gases of internal combustion engine: nitrogen oxides (NO_x), total hydrocarbon (THC), non-methane hydrocarbons (NMHC), carbon monoxide (CO), particulate matter (PM) and particle number, and from tyre abrasion and brakes friction and noise emissions;
- Indirect emissions to air from the production of fuels and energy carriers. However, this is out of the control of vehicles manufacturers and operators.
- Waste generation (hazardous and non-hazardous) during maintenance and end-of-life of the vehicle.
- Recycling of materials in order to reduce consumption of critical raw materials and impact on ecosystems and natural capital.

The manufacture of vehicles, particularly batteries, is part of the scope of the sub-group "Manufacture of low carbon transport vehicles, equipment and infrastructure"

A) Climate Change Mitigation

For passenger cars and light commercial vehicle adaption projects, motor vehicles emissions are lower than 95gCO₂/km for cylinder capacity not exceeding 3000 cm³

For heavy-duty vehicle adaptation projects

- i. The vehicles are not dedicated to the transport of fossil fuels.
- ii. The vehicles are with specific direct CO₂ emissions equal to or lower than the reference CO₂ emissions of all vehicles in the same sub-group.

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

N/A

D) Ecosystem protection and restoration

N/A

E) Pollution prevention

- Passenger and commercial vehicles must comply with the emission thresholds for clean light-duty vehicles in the below table

Vehicle categories Until 31 December 2025 From 1 Jan 2026

CO2 g/km Real driving Emissions (RDE) as a percentage of emission limits

CO2 g/km Real driving Emissions (RDE) as a percentage of emission limits

- M1 - 50 - 80% - 0 - n.a.

- M2 - 50 - 80% - 0 - n.a.

- M3 - 50 - 80% - 0 - n.a.

- Minimise noise and vibrations thresholds in line with the **ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT, 1999 (ACT NO 8 OF 1999)** and the **Occupational Health and Safety Act (2007)**

F) Sustainable resource use and circularity

- a) Vehicles of categories M1 and N1 are both of the following: reusable or recyclable to a minimum of 85 % by weight;
- b) reusable or recoverable to a minimum of 95 % by weight.

Measures are in place to manage waste both in the use phase (maintenance) and the end-of-life of the fleet, including through reuse and recycling of batteries and electronics (in particular critical raw materials therein), in accordance with the waste hierarchy and in compliance with the **ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (WASTE MANAGEMENT) REGULATIONS 2006, Drafted Sustainable Waste Management Act no. 31 of 2022**

6.4. Inland passenger and freight water transport

KeSIC code: 5021, 5022

Description of economic activity

- Inland passenger water transport
- Inland freight water transport

Make Significant Contribution Criteria

A) Climate Change Mitigation

Objective

Demonstrate substantial GHG emission reduction by:

- Increasing the number of low- and zero emission fleets, and improving fleet efficiency
- Increasing substitution of fossil fuels with sustainable alternative and net-zero carbon fuels
- Improvement in efficiency of the overall transport/mobility system

Metrics and thresholds

For passenger cars, light commercial vehicles, Category M1 and N1:

- Until **[31 December 2025]**: vehicles with tailpipe emission intensity of max 50 g CO₂/km (WLTP). This also includes zero tailpipe emission vehicles (e.g. electric, hydrogen).
- From **[1 January 2026]** onwards: only vehicles with emission intensity of 0g CO₂/km (WLTP).

For motorbikes, Category L vehicles:

- Zero tailpipe emission vehicles (incl. hydrogen, fuel cell, electric).
For heavy-duty vehicles
- Zero direct emission heavy-duty vehicles are eligible.
- Low-emission heavy-duty vehicles with specific direct CO₂ emissions of less than 50% of the reference CO₂ emissions of all vehicles in the same sub-group are eligible.
- Dedicated vehicles solely using advanced biofuels or renewable liquid and gaseous transport fuels of non-biological origin and as well as low indirect landuse change-risk biofuels, guaranteed by technological design or by continuous monitoring and third-party verification.
- Fleets of vehicles dedicated to transport fossil fuels or fossil fuels blended with alternative fuels are not eligible.

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

The main potential significant harm to other environmental objectives from the operation of inland passenger and freight water transport are summarised as follows:

- Direct emissions to air of carbon oxide (CO), hydrocarbons (HC), nitrogen oxides (NO_x), and particulate matter (PM), as well as noise emissions.
- Waste generation (hazardous and non-hazardous) during maintenance and end-of-life of the vessel.
- Direct and indirect emission of pollutants in water.

A) Climate Change Mitigation

For adaptation projects

Emissions performance threshold of 95g CO₂ e /pkm should not be exceeded.

Fleets dedicated to the transport of fossil fuels are ineligible

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

Generic DNSH criteria section 8.3.2.

D) Ecosystem protection and restoration

The activity should not lead to releases of ballast water containing aquatic invasive species

E) Pollution prevention

Compliance with **THE ENVIRONMENT MANAGEMENT AND CO-ORDINATION (AIR QUALITY) REGULATIONS (2014)[2022 in draft]**

F) Sustainable resource use and circularity

Compliance with national legislation on hazardous waste generation, management and treatment during both the use and the end-of-phase of a vessel.

6.5. Operation of personal mobility devices

KeSIC code: No specific KeSIC code

Description of economic activity

Selling, purchasing, financing, leasing, renting and operation of personal mobility or transport devices where the propulsion comes from the physical activity of the user, from a zero-emissions motor, or a mix of zero-emissions motor and physical activity. This includes the provision of freight transport services by (cargo) bicycles.

Make Significant Contribution Criteria

A) Climate Change Mitigation

Metrics and thresholds

1. The propulsion of personal mobility devices comes from the physical activity of the user, from a zero-emissions motor, or a mix of zero-emissions motor and physical activity.
2. The personal mobility devices are allowed to be operated on the same public infrastructure as bikes or pedestrians.

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

A) Climate Change Mitigation

N/A

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

N/A

D) Ecosystem protection and restoration

N/A

E) Pollution prevention

N/A

F) Sustainable resource use and circularity

Measures are in place to manage waste, in accordance with the waste hierarchy, both in the use phase (maintenance) and the end-of-life including through reuse and recycling of batteries and electronics (in particular critical raw materials therein).

6.6. Retrofitting of inland water passenger and freight transport

KeSIC code: No specific KeSIC code

Description of economic activity

Retrofit and upgrade of vessels for transport of freight or passengers on inland waters, involving vessels that are not suitable for sea transport.

Make Significant Contribution Criteria

A) Climate Change Mitigation

Metrics and thresholds

1. Until 31 December 2025, the retrofitting activity reduces fuel consumption of the vessel by at least 10 % expressed in litre of fuel per tonne kilometre, as demonstrated by a comparative calculation for the representative navigation areas (including representative load profiles) in which the vessel is to operate or by means of the results of model tests or simulations.
2. Vessels retrofitted or upgraded are not dedicated to transport of fossil fuels.

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

A) Climate Change Mitigation

The vessels are not dedicated to the transport of fossil fuels.

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

Generic DNSH criteria section 8.3.2.

D) Ecosystem protection and restoration

N/A

E) Pollution prevention

Vessels comply with the emission limits of **Kenya's national exhaust emission limits (further research required)**.

F) Sustainable resource use and circularity

Measures are in place to manage waste, both in the use phase and the end-of-life of the vessel, in accordance with the waste hierarchy, including the control and

management of hazardous materials on board of ships and ensuring their safe recycling.

6.7. Sea and coastal freight water transport

KeSIC code: 5011

Description of economic activity

Purchase, financing, chartering (with or without crew) and operation of vessels designed and equipped for transport of freight or for the combined transport of freight and passengers on sea or coastal waters, whether scheduled or not. Purchase, financing, renting and operation of vessels required for port operations and auxiliary activities, such as tugboats, mooring vessels, pilot vessels, salvage vessels and ice-breakers.

Make Significant Contribution Criteria

A) Climate Change Mitigation

Metrics and thresholds

1. The activity complies with one or more of the following criteria:
 - a) the vessels have zero direct (tailpipe) CO₂ emissions;
 - b) until 31 December 2025, hybrid and dual fuel vessels derive at least 25 % of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation at sea and in ports;
 - c) where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, the vessels have an attained Energy Efficiency Design Index (EEDI) value 10 % below the EEDI requirements applicable on 1 April 2022 if the vessels are able to run on zero direct (tailpipe) CO₂ emission fuels or on fuels from renewable sources.
2. Vessels are not dedicated to the transport of fossil fuels.

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

A) Climate Change Mitigation

The vessels are not dedicated to the transport of fossil fuels.

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

Generic DNSH criteria section 8.3.2.

D) Ecosystem protection and restoration

Releases of ballast water containing non-indigenous species are prevented in line with the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM).

Measures are in place to prevent the introduction of non-indigenous species by biofouling of hull and niche areas of ships taking into account the IMO Biofouling Guidelines.

Noise and vibrations are limited by using noise reducing propellers, hull design or on-board machinery in line with the guidance given in the IMO Guidelines for the Reduction of Underwater Noise.

In the Union, the activity does not hamper the achievement of good environmental status, requiring that the appropriate measures are taken to prevent or mitigate impacts in relation to biodiversity, non-indigenous species, seabed integrity, contaminants, marine litter and noise/energy as applicable.

E) Pollution prevention

As regards the reduction of sulphur oxides emissions and particulate matters, vessels comply with **Kenya's national regulation on sulphur content of certain liquid fuels (further research required)** and with Regulation 14 511 of Annex VI to the IMO MARPOL Convention. Sulphur in fuel content does not exceed 0,5 % in mass (the global sulphur limit) and 0,1 % in mass in emission control area (ECA) designated in the North and Baltic Seas by the IMO **(to include limits related to the Indian Ocean if available as applicable to the Kenyan coast)**.

As regards nitrogen oxides (NO_x) emissions, vessels comply with Regulation 13 513 of Annex VI to the IMO MARPOL Convention. Tier II NO_x requirement applies to ships constructed after 2011. Only while operating in NO_x emission control areas established under IMO rules, ships constructed after 1 January 2016 comply with stricter engine requirements (Tier III) reducing NO_x emissions.

Discharges of black and grey water comply with Annex IV to the IMO MARPOL Convention.

Measures are in place to minimise toxicity of anti-fouling paint and biocides as per the Union law the International Convention on the Control of Harmful Anti-fouling Systems on Ships adopted on 5 October 2001.

F) Sustainable resource use and circularity

Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy.

For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.

For existing ships above 500 gross tonnage and the new-built ones replacing them, the activity complies with the Kenyan national requirements (further research required) relating to the inventory of hazardous materials on board.

The activity complies with Kenyan national legislation (further research required) as regards the protection of the marine environment against the negative effects from discharges of waste from ships.

The ship is operated in accordance with Annex V to the IMO MARPOL Convention, in particular with a view to producing reduced quantities of waste and to reducing legal discharges, by managing its waste in a sustainable and environmentally sound manner.

6.8. Sea and coastal passenger water transport

KeSIC code: 5011

Description of economic activity

Purchase, financing, chartering (with or without crew) and operation of vessels designed and equipped for performing passenger transport, on sea or coastal waters, whether scheduled or not. The economic activities in this category include operation of ferries, water taxis and excursions, cruise or sightseeing boats.

Make Significant Contribution Criteria

A) Climate Change Mitigation

Metrics and thresholds

The activity complies with one or more of the following criteria:

- the vessels have zero direct (tailpipe) CO₂ emissions;
- where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, hybrid and dual fuel vessels derive at least 25% of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation at sea and in ports;
- where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, the vessels have an attained Energy Efficiency Design Index (EEDI) value 10% below the EEDI requirements applicable on 1 April 2022, if the vessels are able to run on zero direct (tailpipe) emission fuels or on fuels from renewable sources .

B) Climate Change Adaptation

Generic screening criteria for activities Making a Substantial Contribution to climate change adaptation Section 8.2.

Do No Significant Harm Assessment

A) Climate Change Mitigation

The vessels are not dedicated to the transport of fossil fuels.

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

Generic DNSH criteria section 8.3.2.

D) Ecosystem protection and restoration

Releases of ballast water containing non-indigenous species are prevented in line with the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM).

Measures are in place to prevent the introduction of non-indigenous species by biofouling of hull and niche areas of ships taking into account the IMO Biofouling Guidelines.

Noise and vibrations are limited by using noise reducing propellers, hull design or on-board machinery in line with the guidance given in the IMO Guidelines for the Reduction of Underwater Noise.

In the Union, the activity does not hamper the achievement of good environmental status, requiring that the appropriate measures are taken to prevent or mitigate impacts in relation to biodiversity, non-indigenous species, seabed integrity, contaminants, marine litter and noise/energy as applicable.

E) Pollution prevention

As regards the reduction of sulphur oxides emissions and particulate matters, vessels comply with **Kenya's national regulation on sulphur content of certain liquid fuels (further research required)** and with Regulation 14 511 of Annex VI to the IMO MARPOL Convention. Sulphur in fuel content does not exceed 0,5 % in mass (the global sulphur limit) and 0,1 % in mass in emission control area (ECA) designated in the North and Baltic Seas by the IMO **(to include limits related to the Indian Ocean if available as applicable to the Kenyan coast)**.

As regards nitrogen oxides (NOx) emissions, vessels comply with Regulation 13 513 of Annex VI to the IMO MARPOL Convention. Tier II NOx requirement applies to ships constructed after 2011. Only while operating in NOx emission control areas established under IMO rules, ships constructed after 1 January 2016 comply with stricter engine requirements (Tier III) reducing NOx emissions.

Discharges of black and grey water comply with Annex IV to the IMO MARPOL Convention.

Measures are in place to minimise toxicity of anti-fouling paint and biocides as per the Union law the International Convention on the Control of Harmful Anti-fouling Systems on Ships adopted on 5 October 2001.

F) Sustainable resource use and circularity

Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy.

For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.

For existing ships above 500 gross tonnage and the new-built ones replacing them, the activity complies with the **Kenyan national requirements (further research required) relating to the inventory of hazardous materials on board.**

The activity complies with Kenyan national legislation (further research required) as regards the protection of the marine environment against the negative effects from discharges of waste from ships.

The ship is operated in accordance with Annex V to the IMO MARPOL Convention, in particular with a view to producing reduced quantities of waste and to reducing legal discharges, by managing its waste in a sustainable and environmentally sound manner.

6.9. Retrofitting of sea and coastal freight and passenger water transport

KeSIC code: No specific KeSIC code

Description of economic activity

Retrofit and upgrade of vessels designed and equipped for the transport of freight or passengers on sea or coastal waters, and of vessels required for port operations and auxiliary activities, such as tugboats, mooring vessels, pilot vessels, salvage vessels and ice-breakers.

Make Significant Contribution Criteria

A) Climate Change Mitigation

Metrics and thresholds

1. Until 31 December 2025, the retrofitting activity reduces fuel consumption of the vessel by at least 10 % expressed in grams of fuel per deadweight tons per nautical mile, as demonstrated by computational fluid dynamics (CFD), tank tests or similar engineering calculations.
2. Vessels are not dedicated to the transport of fossil fuels.

B) Climate Change Adaptation

N/A

Do No Significant Harm Assessment

A) Climate Change Mitigation

The vessels are not dedicated to the transport of fossil fuels.

B) Climate Change Adaptation

Generic DNSH criteria section 8.3.1.

C) Sustainable use of water and marine resources

Generic DNSH criteria section 8.3.2.

D) Ecosystem protection and restoration

Releases of ballast water containing non-indigenous species are prevented in line with the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM).

Measures are in place to prevent the introduction of non-indigenous species by biofouling of hull and niche areas of ships taking into account the IMO Biofouling Guidelines.

Noise and vibrations are limited by using noise reducing propellers, hull design or on-board machinery in line with the guidance given in the IMO Guidelines for the Reduction of Underwater Noise.

In the Union, the activity does not hamper the achievement of good environmental status, requiring that the appropriate measures are taken to prevent or mitigate impacts in relation to biodiversity, non-indigenous species, seabed integrity, contaminants, marine litter and noise/energy as applicable.

E) Pollution prevention

As regards the reduction of sulphur oxides emissions and particulate matters, vessels comply with **Kenya's national regulation on sulphur content of certain liquid fuels (further research required)** and with Regulation 14.5.1 of Annex VI to the IMO MARPOL Convention. Sulphur in fuel content does not exceed 0,5 % in mass (the global sulphur limit) and 0,1 % in mass in emission control area (ECA) designated in the North and Baltic Seas by the IMO **(to include limits related to the Indian Ocean if available as applicable to the Kenyan coast)**.

As regards nitrogen oxides (NO_x) emissions, vessels comply with Regulation 13.5.3 of Annex VI to the IMO MARPOL Convention. Tier II NO_x requirement applies to ships constructed after 2011. Only while operating in NO_x emission control areas established under IMO rules, ships constructed after 1 January 2016 comply with stricter engine requirements (Tier III) reducing NO_x emissions.

Discharges of black and grey water comply with Annex IV to the IMO MARPOL Convention.

Measures are in place to minimise toxicity of anti-fouling paint and biocides as per the Union law the International Convention on the Control of Harmful Anti-fouling Systems on Ships adopted on 5 October 2001.

F) Sustainable resource use and circularity

Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy.

For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.

For existing ships above 500 gross tonnage and the new-built ones replacing them, the activity complies with the **Kenyan national requirements (further research required) relating to the inventory of hazardous materials on board**.

The activity complies with **Kenyan national legislation (further research required) as regards the protection of the marine environment against the negative effects from discharges of waste from ships**.

The ship is operated in accordance with Annex V to the IMO MARPOL Convention, in particular with a view to producing reduced quantities of waste and to reducing legal discharges, by managing its waste in a sustainable and environmentally sound manner.

Activities eligible in the KGFT first edition but without technical screening criteria developed:

6.10. Aviation