

MARINE ENVIRONMENT PROTECTION
COMMITTEE
74th session
Agenda item 10

MEPC 74/10/3
22 March 2019
Original: ENGLISH

POLLUTION PREVENTION AND RESPONSE

Comments on the draft 2019 Guidelines for port State control under MARPOL Annex VI

Submitted by IMarEST

SUMMARY

Executive summary: PPR 6 developed a revised version of the existing 2009 port State control Guidelines in respect of the application of MARPOL Annex VI. Due to time constraints that revision essentially only covered elements related to regulation 14 or equivalent means thereto. However, since 2009 there have been a number of amendments to MARPOL Annex VI, most notably in respect of the NO_x requirements under regulation 13 and the various requirements stemming from the energy efficiency certification and fuel oil consumption data reporting requirements under the subsequently adopted chapter 4 to the Annex. In order to assist the Committee in completing this update of the port State control Guidelines, additional or amended text relevant to the NO_x related aspects are proposed, together with a proposal as to the layout of those Guidelines.

Strategic direction, if applicable: 1

Output: 1.17

Action to be taken: Paragraph 7

Related documents: MEPC 74/10; PPR 6/20 and PPR 6/WP.5/Add.1

Introduction

1 This document provides comment on document MEPC 74/10 (Secretariat) and has been submitted in accordance with the provisions of paragraph 6.12.5 of the document on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1).

2 As advised by document MEPC 74/10, at PPR 6 a revision of the *2009 Guidelines for port State control under the revised MARPOL Annex VI* (MEPC.181(59)) was undertaken, covering essentially those elements concerned with the application of regulation 14 of MARPOL

Annex VI and related equivalent means as may be approved in accordance with regulation 4, specifically exhaust gas cleaning systems. However, since 2009 there have been a number of amendments to MARPOL Annex VI, most notably in respect of the NO_x emission controls under regulation 13 and the addition of the various requirements under the subsequently adopted chapter 4 of the Annex which should also be addressed in the updating of these Guidelines.

Discussion

3 In order to provide the required guidance on the conduct of port State control inspections related to MARPOL Annex VI, the Guidelines should reflect the changes to the NO_x control requirements as given under regulation 13 which have been adopted since 2009. Those, noting the now uniform usage of the term "NO_x Tier III emission control area" to signify those areas designated under paragraph 6 of that regulation, may be summarized as:

- .1 the change in application of NO_x Tier III emission control areas to apply against the individual entry into effect date of each such area as opposed to there being a single date of 1 January 2016 applicable to all such areas irrespective of the entry-into-force date of the amendment that introduced a new area;
- .2 the requirement under regulation 13.5.3 to record the tier and on/off status of marine diesel engines, certified to both Tier II and Tier III or certified to Tier II only, installed on a ship to which a particular NO_x Tier III emission control area applies; and
- .3 the potential exemption from the Tier III requirements, subject to conditions, to certain ships under regulation 13.5.4.

4 In order to assist the Committee in the finalization of the 2019 PSC Guidelines under MARPOL Annex VI, proposals in respect of the NO_x elements covering the points highlighted in paragraph 3 are given in the annex to this document.

5 Additionally, it is noted that since 2009 there have been the energy efficiency and fuel oil consumption data reporting requirements and associated certification/documentation aspects under chapter 4 of MARPOL Annex VI, which would also need to be covered by the 2019 PSC Guidelines under MARPOL Annex VI.

6 In viewing the draft 2019 PSC guidelines under MARPOL Annex VI, as agreed at PPR 6 (PPR 6/WP.5/Add.1, annex and PPR 6/20/Add.1, annex 15), it would be seen that some restructuring would be appropriate. Sections 2.1 through to 2.4, as given, relate to initial inspections. However, as now presented, 2.4 "Initial inspection outside an ECA or first port after transiting an ECA" runs on through to paragraphs 2.4.2 to 2.4.4, which would be equally applicable to "Initial inspection within an ECA" under 2.3. Consequently, it would be proposed that the current 2.4.2 to 2.4.4 be restructured under a new sub-heading "Outcome of initial inspection" referenced as 2.5, thereby indicating that the points given therein are equally applicable irrespective of whether that inspection was undertaken inside or outside an ECA. Subsequent text in chapter 2 is renumbered accordingly.

Action requested of the Committee

7 The Committee, when considering the draft 2019 guidelines for port State control under MARPOL Annex VI for adoption, is invited to note the proposal made in paragraph 4 in respect of the NO_x related elements, the comment in paragraph 5 as to the need to also cover chapter 4 related matters and the proposal as to restructuring given in paragraph 6.

ANNEX

PROPOSED ADDITIONS AND AMENDMENTS TO THE DRAFT 2019 GUIDELINES FOR PORT STATE CONTROL UNDER MARPOL ANNEX VI

NO_x related elements

1 The following are presented as proposed additions to the text given by the annex to document PPR 6/WP.5/Add.1:

"2.1.2.4(*bis*) For a ship to which regulation VI/13.5.1 applies for a particular NO_x Tier III emission control area and that has one or more installed marine diesel engines certified to both Tier II and Tier III or which has one or more marine diesel engines certified to Tier II only* that there are the required procedures for recording the tier and on/off status of those marine diesel engines while the ship is within an applicable NO_x Tier III emission control area."

"2.3.2 When a ship to which regulation VI/13.5.1 applies for a particular NO_x Tier III emission control area is inspected in a port in that area, the PSCO should look at:

- .1 the records in respect of the tier and on/off status, together with any changes to that status while within that NO_x Tier III emission control area, which are to have been logged as required by regulation VI/13.5.3 in respect of an installed marine diesel engine certified to both Tier II and Tier III or which is certified to Tier II only*; and
- .2 the status of an installed marine diesel engine which is certified to both Tier II and Tier III showing that that engine was operating in its Tier III condition on entry into that NO_x Tier III emission control area and that status was maintained at all times while that marine diesel engine was in operation within that area; or
- .3 the records related to the conditions associated with an exemption granted under regulation VI/13.5.4 have been logged as required by that exemption and that the terms and duration of that exemption have been complied with as required."

"2.4.1(*bis*) When a ship to which regulation VI/13.5.1 applies for a particular NO_x Tier III emission control area is inspected in a port outside that area, the PSCO should look at the records required by 2.3.2.1 and 2.3.2.2 or 2.3.2.3 to ensure that the relevant requirements were complied with for the whole period of time the ship was operating in that area."

"2.4.4.11 Evidence that the tier and / or on/off status of applicable installed marine diesel engines has not been maintained correctly or as required;

2.4.4.12 Receipt of a report or complaint containing information that one or more of the installed marine diesel engines has not been operated in accordance with the provisions of the respective Technical File or the requirements relevant to a particular NO_x Tier III emission control area; and

2.4.4.13 Receipt of a report or complaint containing information that the conditions attached to an exemption granted under regulation VI/13.5.4 have not been complied with."

"2.5.2.2(*bis*) In the case of an installed marine diesel engine certified to Tier III that the required records, if applicable, in accordance with regulation VI/13.5.3 or in the Technical File, including those required by 2.3.6 of the NO_x Technical Code, have been maintained as necessary and that the marine diesel engine, including any NO_x control device and associated ancillary systems and equipment, including, where fitted, bypass arrangements, is maintained in accordance with the associated Technical File and is in good order.

2.5.2.2(*ter*) If applicable, examine whether the conditions attached to an exemption granted under regulation VI/13.5.4 have been complied with as required.

Footnote* - If adopted by MEPC, the unified interpretation on this point as agreed at PPR 6 should be cross referenced to the relevant Circular revision."

2 The following are presented as proposed amendments to the text given by the annex to document PPR 6/WP.5/Add.1 (additions: underscored/deletions: strike through):

"2.1.2 – closing paragraph

The Record Books referenced in subparagraphs .4, .4(*bis*), .6 and .12 may be presented in an electronic format. A declaration from the Administration should be viewed in order to accept this electronic record book. If a declaration cannot be provided, a hard copy record book will need to be presented for examination."

"2.6.2.2 A marine diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000, which does ~~not comply with the NO_x Technical Code or that does not comply with the relevant NO_x emission limit~~ conform to its Technical File or where the required records have not been maintained as necessary or where it has not met the applicable requirements of the particular NO_x Tier III emission control area in which it is operating;"