

MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 3

MEPC 71/3/1
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**CONSIDERATION AND ADOPTION OF AMENDMENTS TO
MANDATORY INSTRUMENTS**

Draft amendments to MARPOL Annex VI

Submitted by IMarEST

SUMMARY

Executive summary: This document provides editorial proposals in respect of the draft amendments to Annex VI of MARPOL. The principal purpose of these proposals is to avoid the continual renumbering of existing paragraphs in the case of the adoption of further NO_x Tier III emission control areas.

Strategic direction: 7.3

High-level action: 7.3.2

Output: 7.3.2.1

Action to be taken: Paragraph 9

Related documents: MEPC 71/3

Introduction

1 This document provides editorial comments on document MEPC 71/3. These comments are expressly intended to neither affect the status of the existing NO_x Tier III emission control areas nor to delay the adoption of the Baltic and North Sea as such areas.

Discussion

2 Ideally a regulation reference, once assigned, would remain unchanged for the duration of the validity of the instrument to which it applies. However, as shown by the draft amendments as given in documents MEPC 71/3, the current structure of regulation 13.6 of MARPOL Annex VI and the intended approach to the modification of paragraph 5.1 of regulation 13.5 of that Annex results in the situation that where a new NO_x Tier III emission control area is introduced, the existing "other sea area" clause of regulation 13.6 needs to be renumbered and regulation 13.5.1 needs to be rearranged and renumbered.

3 Hence, in the case of regulation 13.6, the paragraph currently numbered 6.3 – "... other sea area ..." will, given the adoption of the proposed amendments as given by document MEPC 71/3, thereafter be paragraph 6.4 and the paragraph giving the new NO_x Tier III emission control areas of the Batic and North Sea instead then take the existing numbering 6.3. A consequence of this is that all external cross references then need to be updated in order to be coherent. Given the current structure of regulation 13.6 this updating would need to be undertaken for each new NO_x Tier III emission control area.

4 In the case of regulation 13.5.1, the proposed change results in the existing 13.5.1.3 being renumbered to 13.5.1.4 with the new NO_x Tier III emission control areas text taking that existing number and the reassigned text having to be augmented in order to cover that change. Again, all external cross references will need to be updated both following the adoption of these amendments and again in the future should there be other such emission control areas designated.

5 Instead, it is proposed that regulations 13.5 and 13.6 be, at this time, restructured such that any NO_x Tier III emission control area designated in the future would simply add to existing listings and hence there would be no need to renumber paragraphs or insert additional text. These proposals, relative to the existing text of those regulations, are set out in the annex to this submission.

6 Additionally, it is noted that the draft amendments in respect of the new paragraph 5.5 to regulation 13, as given in document MEPC 71/3, all commence with the term "...ships..." but thereafter deal with the respective aspect in terms of "...ship..." as in the new paragraph 5.4. Consequently, it would be proposed that in paragraph 5.5 the term "...a newly constructed ship/a ship..." be instead used. In terms of consistency, it is also noted that in paragraph 5.5 the term NO_x ECA is extensively used whereas in the existing text of paragraph 5.1.3 the term NO_x Tier III emission control area is used for the same entity.

7 A further point with regard to paragraph 5.5, as given by document MEPC 71/3, is that in sub-paragraphs .1 and .3 reference is made to "... the nearest gas fuel bunkering facility...". Noting that there may be access restrictions (i.e. draft) to such facilities and also there are a number of differing gas fuel types (i.e. natural gas, petroleum gas, etc.), reference instead to the "... nearest gas fuel bunkering facilities appropriate to the ship..." may be preferable.

8 In addition to the points given above with regard to regulation 13.6, it would be noted that the same issue also applies to the structure of regulation 14.3. However, it is fully appreciated that that regulation is not at this time subject to amendment.

Action requested of the Committee

9 The Committee is invited to take into account the comments made in paragraphs 5, 6 and 7, when considering for adoption the draft amendments to regulation 13 of MARPOL Annex VI. In addition, the Committee is invited to note, for possible future consideration, the comment made in paragraph 8.

ANNEX

AMENDMENTS TO MARPOL ANNEX VI

Regulation 13

Nitrogen oxides (NO_x)

1 The existing text of paragraph 5.2 is reassigned as sub-point .1 of that paragraph and the text, as given by document MEPC 71/3, covering the new NO_x Tier III emission control areas is entered as sub-point .2 so to read:

when:

.2

- .1 that ship is constructed on or after 1 January 2016 and is operating in the North American Emission Control Area or the United States Caribbean Sea Emission Control Area;
- .2 that ship is constructed on or after 1 January 2021 and is operating in the Baltic Sea Emission Control Area or the North Sea Emission Control Area;

In consequence of this approach, the existing paragraph 5.1.3 is not renumbered and the cross reference to paragraph 5.1.2 is unaltered. Any additional NO_x Tier III emission control areas, and effective dates, would then simply be added as further sub-points in the listing given in paragraph 5.1.2.

2 The existing text of paragraph 6.3 is restructured and amended as follows to incorporate the new NO_x Tier III emission control area text as given by document MEPC 71/3:

- 6 For the purpose of this regulation, an emission control area shall be any sea area, including any port area, designated by the Organization in accordance with the criteria and procedures set forth in appendix III to this Annex. The emission control areas are:
 - .1 the North American area, which means the area described by the coordinates provided in appendix VII to this Annex;
 - .2 the United States Caribbean Sea area, which means the area described by the coordinates provided in appendix VII to this Annex; and
 - .3 ~~any other sea area, including any port area, designated by the Organization in accordance with the criteria and procedures set forth in appendix VII to this Annex~~ the Baltic Sea area as defined in regulation 1.11.2 of Annex I and the North Sea area as defined in regulation 1.14.6 of Annex V.

Again, the designation of any additional NO_x Tier III emission control areas would simply be added to the listing with the linking "; and" relocated but without any consequential renumbering.