Sjøfartsdirektoratet
Norwegian Maritime Authority

Circular - Series R

Circular Series R (Regulations) supersedes previous Series F.
In the new Series R, relevant legal amendments and amendments to conventions are also published.

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AMENDMENTS TO THE REGULATIONS ON ENVIRONMENTAL SAFETY AS A CONSEQUENCE OF MEPC69

1. Background

The International Convention for Prevention of Pollution from Ships (MARPOL) is incorporated into Norwegian legislation by reference in the Regulations on environmental safety[1]. When the Convention is amended, the Regulations must be correspondingly amended. During MEPC 69, five different resolutions were adopted amending three different chapters of MARPOL and entering into force internationally on 1 September 2017.

2. Details on the amendments

Amendments to MARPOL Annex II

MARPOL Annex II contains provisions for the prevention of pollution by noxious liquid substances in bulk. Appendix I "Guidelines for the categorization of noxious liquid substances" includes a table for categorisation of noxious liquid substances. This categorisation is based on "GESAMP Hazard Evaluation". GESAMP has launched the "Revised GESAMP Hazard Evaluation", cf. http://www.gesamp.org/data/gesamp/files/media/Publications/Reports_and_studies_64_2nd_Edition/gallery_2210/object_2480_large.pdf. As a result of new test methods, among other things, the term Acute Toxicity Estimate (ATE) has been introduced as an alternative to the traditional LC50/LD50 values when evaluating acute mammalian toxicity. *MEPC.270(69)* amends column C of the table in Appendix I in line with this.

Amendments to MARPOL Annex IV

Annex IV contains provisions for the prevention of pollution by discharge of sewage from ships. *MEPC.274(69)* amends paragraph 3 of Regulation IV/11 on prohibition against discharge of sewage from passenger ships within what is classified as a "special area" by the IMO. As per

[1] Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units

today, only the Baltic Sea is regarded as a special area according to MARPOL Annex IV, cf. Regulation IV/1.6.1.

With this amendment, the entry into force of the prohibition against discharge of sewage from passenger ships within a special area is postponed.

The prohibition does not apply to ships having an operating sewage treatment plant that is approved in accordance with more detailed criteria included in the "Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants", adopted through MEPC.227(64).

Regulation IV/11.3 leaves it up to the IMO to set the date from which the prohibition shall be effective, and new effective dates are set out in MEPC.275(69) as follows:

- 1 June 2019 for new passenger ships
- 1 June 2021 for existing passenger ships other than those specified in the third bullet point; and
- 1 June 2023 for existing passenger ships en route directly to or from a port located outside the special area and to or from a port located east of longitude 28˚10' E within the special area that do not make any other port calls within the special area.

At the same time, Regulation IV/1.10 is amended to specify what is to be understood by "new ship" and "existing ship" in Regulation 11.3. After the amendments, the term "new ship" in Regulation 11.3 will be defined as a ship for which the building contract is placed on or after 1 June 2019, or in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 June 2019. Ships delivered on or after 1 June 2021 will, regardless of building contract, be defined as new ships.

Amendments to MARPOL Annex VI

MARPOL Annex VI contains provisions for the prevention of air pollution from ships. Chapter 3 provides further provisions regarding requirements for the control of emissions from ships. Regulation VI/13.3 specifies NO_x emission limits, divided into three different levels based on year of construction and area of operation. *MEPC.271(69)* implements amendments to Regulation VI/13 by adding a new paragraph 5.3. This paragraph sets out that for diesel engines installed on board a ship to which Regulation 13.5.1 of Annex VI applies and certified to both Tier II and Tier III or to Tier II only, entries shall be made for the tier and on/off status when entering or leaving an emission control area, or when the on/off status changes within such an area, together with the date, time and position of the ship.

Amendments to the NO_x Technical Code 2008

MARPOL Regulation VI/13 stipulates limits for ships' emission of nitrogen oxides (NO_x). The IMO has provided further guidelines for the testing, supervision and certification of marine diesel engines. The purpose of these provisions is to make manufacturers, shipping companies and authorities capable of ensuring that all marine diesel engines to which the provisions apply, comply with the relevant emission levels specified in MARPOL Regulation VI/13.

MEPC.272(69) implements amendments to the NO_x Technical Code 2008 related to gas-fuelled and dual fuel engines. The amendments are a consequence of the fact that the emission requirements of Regulation VI/13 which previously applied to diesel-fuelled ships only have been expanded to include gas-fuelled ships as well, cf. MEPC.258(67), where the definition of "marine diesel engine" has been expanded.

3. Consultation

The draft Regulations were circulated for review on 19 May 2017, with deadline for comments on 19 August 2017. The Norwegian Maritime Authority (NMA) received 16 consultative statements, whereof 2 included comments to the draft. Both the ***Norwegian Fishing Vessel Owners Association*** (in Norwegian: *Fiskebåt*) and the ***Federation of Norwegian Coastal Shipping*** presuppose that the amendments will not be of importance to their members, but the ***Norwegian Fishing Vessel Owners Association*** mentions potential catch delivery to Canadian ports as an exception. The ***Federation of Norwegian Coastal Shipping*** believes that it should be unnecessary to make entries in the deck log book when sailing into or out of an emission control area, and refers to the fact that the ships are logging starting and stopping of engines in the engine-room log book. Additionally, many ships have monitoring systems that automatically log starting and stopping procedures of every engine.

The ***NMA*** notes that the Regulations do not state in which log book the entries shall be made, which means that the provisions allow the company to choose. For ships not required to keep an engine-room log book, cf. section 10 of the Log Book Regulations[2], the deck log book will be the natural choice.

4. Economic and administrative consequences

Consequences for the industry
Implementing and enforcing the rules of MARPOL has already been established as Norwegian policy. The amendments are drawn up in cooperation with the industry, and the phase-in complies with internationally adopted time limits. The amendments entering into force now, have thus been notified in advance.

At the same time, it is clear that the amendments to some degree will have consequences for the actors in the industry. This applies first of all to the indirect requirement for a sewage treatment plant for ships operating within a special area. Passenger ships operating in the Baltic Sea must have sewage treatment equipment in place or sufficient storage capacity on board so that sewage is discharged only to a reception facility.

However, the regulatory amendments only involve a delayed phase-in of the prohibition against discharge, and will, for the companies, primarily imply delayed requirements for investments. For the sake of clarity, it is nevertheless pointed out that the provisions presuppose an alternative opportunity for the ships to discharge sewage to a reception facility, cf. Regulation 12. For suppliers of sewage-treatment systems, the amendments imply potentially reduced revenue for a period longer than what may previously have been used as a basis. As the ships may comply with the requirements by means of measures other than treatment plants, the revenue will nevertheless be subject to some uncertainty for the suppliers.

The amendments to the NO_x Technical Code will necessarily affect the suppliers of new engines, who must relate to stricter emission requirements in the time to come. It is assumed that this has been taken into account during the international negotiations that led to the requirements now being implemented. Apart from drawing up procedures for record keeping pursuant to the requirements and for carrying out the log entries, the requirement for keeping a separate log book for operation in emission control areas is not expected to have measurable consequences for the actors. The same applies to the amendments of the tables included in the “Guidelines for the categorization of noxious liquid substances”, which are mostly of an operational nature.

[2] Regulations of 15 September 1992 No. 693 on the form and keeping of log books for ships and mobile offshore units

Consequences for the authorities

For the authorities, keeping record of engine use under Regulation VI/13 implies a better opportunity for checking violations. Furthermore, the amendment will require a review of the NMA's checklists.

Record keeping is aimed at contributing to better protection of the environment. The prohibition against discharge of sewage in the Baltic Sea is considered necessary because of the area's marine life.

5. Implementation into Norwegian Regulations

As MARPOL is implemented in Norwegian legislation by reference (incorporation), the above amending resolutions are implemented by adding them to the listing of amending resolutions in sections 7, 9 and 12 of the Regulations on environmental safety. Please refer to the attached amended Regulations.

Lars Alvestad
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This document has been electronically approved, and therefore does not contain handwritten signatures.

Attachment: Regulation of 1 September 2017 concerning amendments to the Regulations on environmental safety for ships and mobile offshore units