Sjøfartsdirektoratet
Norwegian Maritime Authority

Circular - Series R

Number: RSR 14-2024

Date: 20 December 2024

Case number: 2024/66381

Regulation concerning amendments to the Regulations on environmental safety for ships and mobile offshore units to implement resolutions MEPC.381(80) and MEPC.382(80) on entry into force of discharge requirements for the Red Sea and the Gulf of Aden Special Areas

Introduction
The Norwegian Maritime Authority (NMA) has laid down amendments to the Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units (Environmental Safety Regulations).

The amendments to the Environmental Safety Regulations implement amendments to MARPOL Annexes I and V, which are laid down in MEPC.381(80) and MEPC.382(80). The resolutions will come into effect on 1 January 2025.

Consultation
A proposal for amendments to the Environmental Safety Regulations was circulated for comments in the period from 31 October to 16 December 2024. The NMA received three consultative comments.
The Ministry of Justice and Public Security and the Norwegian Union of Marine Engineers did not have any remarks. The Norwegian Defence Material Agency welcomed the proposal and said the amendments would lead to improved reception facilities in the Red Sea and the Gulf of Aden areas, and that this would lead to ship waste being treated in a responsible and environmentally friendly manner.

Details on the proposal
On 7 July 2023, the IMO's Maritime Safety Committee (MEPC) adopted amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) by resolutions MEPC.381(80) and MEPC.382(80).

Resolution MEPC.381(80) lays down amendments to MARPOL Annex I by establishing the date on which MARPOL regulation I/15.3, regulation I/15.5 and regulation I/34.3 to regulation I/34.5 for the Red Sea and Gulf of Aden Special Areas shall take effect.

Resolution MEPC.382(80) lays down amendment to MARPOL Annex V by establishing the date on which MARPOL regulation V/6 for the Red Sea Special Area shall take effect.

Both resolutions will take effect on 1 January 2025.

In line with current practice, Norwegian translations of the last consolidated annexes to MARPOL will also be made known along with the Regulations.

Details on the amendments to MARPOL
MEPC.381(80) – entry into force of discharge requirements for the Red Sea and the Gulf of Aden Special Areas

MARPOL regulation I/1.11.4 and regulation I/1.11.6 defines both the Red Sea are and the Gulf of Aden area as Special Areas. The Red Sea area was deemed a Special Area on 2 November 1973, and the decision took effect on

2 October 1983. The Gulf of Aden area was deemed a Special Area on 1 December 1987, and the decision took effect on 1 April 1989.

According to MARPOL regulation I/1 no. 11 a Special Area means «a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required.»

For areas defined as Special Areas pursuant to MARPOL Annex I, there are special requirements for the prevention of pollution by oil. The special requirements are found in MARPOL regulation I/15.3, regulation I/15.5 and regulation I/34.3 to regulation I/34.5. The regulations enter into force when the conditions of MARPOL regulation I/38.5, regulation I/38.7 and regulation 38.8.1 are met.

According to MARPOL regulation I/38.8.1, "[E]ach affected Party shall notify the Organization of the measures taken pursuant to paragraphs 5 and 7 of this regulation. When the Organization has received sufficient notifications, it shall establish a date for the entry into force of the discharge requirements in regulations 15 and 34 of this Annex for the relevant area. The Organization shall notify all Parties of the date so established, not less than twelve months prior to its effective date."

All MARPOL member states bordering areas defined as Special Areas shall, according to MARPOL regulation I/38.5, ensure "that all oil loading terminals and repair ports within the special area are provided with facilities adequate for the reception and treatment of all contaminated ballast water and tank washing residues from oil tankers. In addition, all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay."

Furthermore, MARPOL regulation I/38.7 states that "[E]ach Government of a Party to the Convention having jurisdiction over approaches to waters with low depth contour which may necessitate reduced draught by discharging ballast shall ensure that facilities referred to in paragraph 4 of this regulation are available, with the understanding that ships required to discharge residues or contaminated ballast may experience some delay."

MEPC 80 confirmed that IMO, in accordance with MARPOL regulation I/38.8.1, has been informed that adequate reception facilities have been established in accordance with MARPOL regulations I/38.5 and I/38.7 in all ports and terminals bordering the Red Sea and Gulf of Aden Special Areas. As a result, Resolution MEPC.381(80) decided that MARPOL regulations I/15.3, I/15.5, and I/34.3 to I/34.5 shall enter into force in the Red Sea and Gulf of Aden Special Areas from 1 January 2025.

MARPOL Annex I is implemented in the Regulations on environmental safety, section 4. The amendment is therefore incorporated by reference to the Resolution in section 4 of the Regulations on environmental safety.

MEPC.381(82) – entry into force of special discharge provisions for the Red Sea area

MARPOL Regulation V/1.14.4 defines the Red Sea as a Special Area. The Red Sea area was deemed a Special Area on 2 November 1973, and the decision took effect on 31 December 1988.

A Special Area is, according to MARPOL regulation V/1.14, "a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its

traffic, the adoption of special mandatory methods for the prevention of marine pollution by garbage is required."

For areas defined as Special Areas under MARPOL Annex V, specific discharge requirements for garbage apply. The special requirements are set out in regulation V/6. The regulations enter into force when the conditions in MARPOL regulations V/8.2.1 and V/8.2.2 are met.

According to MARPOL regulation V/8.2.2 "[E]ach affected Party shall notify the Organization of the measures taken pursuant to paragraph 2.1 of this regulation. When the Organization has received sufficient notifications, it shall establish a date for the entry into force of the requirements in regulation 6 of this Annex for the relevant area. The Organization shall notify all Parties of the date so established, not less than twelve months prior to its effective date. Until such date is established, ships while operating in special area shall comply with the requirements of regulation 4 of this Annex outside special areas.

All MARPOL member states bordering areas defined as Special Areas shall, according to MARPOL Regulation V/8.2.1 "ensure that adequate reception facilities are provided in all ports and terminals within the special area, taking into account the needs of the ships operating in such area."

MEPC 80 confirmed that IMO, in accordance with MARPOL regulation V/8.2.2, has been informed that the Parties with coastlines bordering the Red Sea area meet the requirements for reception facilities as set out in MARPOL regulation V/8.8.2.1. As a result, Resolution MEPC.382(80) establishes that the date for the entry into force of MARPOL regulation V/6 for the Red Sea area is 1 January 2025.

MARPOL Annex V is implemented in the Regulations on environmental safety, section 11. The amendment is therefore incorporated by reference to the Resolution in section 11 of the Regulations on environmental safety.

Administrative and financial implications

For the industry, the amendment will lead to ships operating in the Red Sea and Gulf of Aden Special Areas having to comply with the requirements for these areas as of 1 January 2025. The implementation of the amendments to MARPOL will not have significant financial or administrative consequences for the NMA beyond the implementation of the Resolutions in Norwegian legislation.

Alf Tore Sørheim
Acting Director General of
Navigation and Shipping

Linda Bruås
Head of Department
Legislation and Int. Relations