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REVIEW OF MARPOL ANNEX VI AND THE NO_x TECHNICAL CODE

Application of MARPOL Annex VI regulation 13(1)(b)

Submitted by the International Association of Classification Societies (IACS)

SUMMARY

Executive summary: This document provides comments on the report of the first intersessional meeting of the BLG Working Group on Air Pollution (BLG-WGAP 1) held in Oslo, Norway, in November 2006 and, in particular, to the outcome on the application of MARPOL Annex VI regulation 13(1)(b). Discussion on apparent inconsistency in MARPOL in respect of the certification requirements for diesel engines is also provided.

Action to be taken: Paragraph 13

Related documents: BLG 11/5/Add.1 and MEPC 52/4/6

1 This document provides comments on document BLG 11/5/Add.1 (report of BLG-WGAP 1) and is submitted in accordance with the provisions of paragraph 4.10.5 of the Guidelines on the Organization and method of work of the Committees and their subsidiary bodies (MSC-MEPC.1/Circ.1).

2 MARPOL Annex VI regulation 13(1)(b) reads:

“This regulation does not apply to:

- (i) emergency diesel engines, engines installed in lifeboats and any device or equipment intended to be used solely in case of emergency; and*
- (ii) engines installed on ships solely engaged in voyages within waters subject to the sovereignty or jurisdiction of the State the flag of which the ship is entitled to fly, provided that such engines are subject to an alternative NO_x control measure established by the Administration.”*

3 The Marine Environment Protection Committee, at its fifty-third session, approved a unified interpretation to MARPOL Annex VI regulation 13(1)(b)(i), as contained in MEPC/Circ.473, which reads *“regulation 13 does not apply to an engine which is used solely in response to emergencies on the ship on which the engine is installed.”*

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4 It is also recalled that at MEPC 52, IACS requested clarification (MEPC 52/4/6) of the status in respect of the application of the regulation 13 requirements to certain categories of engines, over 130 kW:

- .1 as installed in mobile machinery carried by a ship;
- .2 installed in water borne, or other craft, carried by a ship (other than those installed in lifeboats which are already given as being not applicable); or
- .3 which are temporarily installed onboard a ship.

5 This question covering the above three categories was further considered by BLG-WGAP 1, as given at annex 9 of document BLG 11/5/Add.1, where it was proposed that the need for the certification of such engines should be left to the discretion of the relevant (flag State) Administration.

6 IACS does not support the conclusion reached by the Working Group in this respect since it is considered highly desirable that a uniform approach is applied which ensures that the required level of environmental protection is obtained in the areas where ships actually operate and that certification requirements are clearly understood on a worldwide basis. This latter point is particularly significant considering the difficulties involved in post-production certification of engines in accordance with the NO_x Technical Code.

7 It is to be noted that in those countries where there is no domestic legislation in respect of exhaust emissions from marine engines, the application of the requirements of the NO_x Technical Code is the sole means of control.

8 Furthermore, differing approaches between flag State Administrations to this question must be expected to result in problems in the application of port State controls and on change of flag. It would appear highly inconsistent that a particular engine application would be required by one Administration to have NO_x Technical Code certification but not by another.

9 IACS therefore deems that this question needs to be further discussed as to whether a more definite definition can be provided to the industry as to which engines over 130 kW do, or do not, require certification in accordance with the NO_x Technical Code.

10 Additionally, IACS would draw attention to the following apparent inconsistency in respect of the certification requirements for diesel engines. MARPOL Annex VI regulation 19, header and paragraph (1), specifically refers to 'platforms (fixed and floating) and drilling rigs'. However, Article 2(3)(b)(ii) of the 1973 MARPOL Convention gives that releases from the therein given sources are not considered as 'discharges' for the purpose of the Convention.

11 Consequently it would appear inconsistent that NO_x emissions from certain diesel engines as given in MARPOL Annex VI regulation 19(2)(d) are exempted if they are emitted from engines installed on platforms or drilling rigs, terms which are not defined within the Convention or its Annexes, but would be subject to control from engines driving the same functions if undertaken on vessels which are neither platforms nor drilling rigs.

12 Furthermore, the whole application of MARPOL Annex VI regulation 19(2) should be clarified as to whether it applies to those listed discharges only if they are from functions or applications which are installed in platforms or drilling rigs or whether those exemptions should apply to those listed functions or applications as installed in 'ships' as defined by Article 2(4) of the Convention.

Action requested of the Sub-Committee

13 The Sub-Committee is invited to consider the foregoing discussion and take action as appropriate.
