

MARINE ENVIRONMENT PROTECTION
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CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Comments on the draft amendments to regulation 13.2.2 of MARPOL Annex VI

Submitted by Liberia, Marshall Islands and IACS

SUMMARY

Executive summary: The co-sponsors noted that the proposed amendments to MARPOL Annex VI, regulation 13, paragraph 2.2, refer to "a Party", which follows the precedent in paragraph 7.1 of the same regulation. However, the co-sponsors are of the view that since it is a matter of conversion of ships in service, the decision must be made by the flag Administration, i.e. "the Administration", not "a Party" to the convention. The same applies to the draft 2023 Guidelines as required by regulation 13.2.2, in respect of non-identical replacement engines not required to meet the Tier III limit and the unified interpretation and guidelines given in the draft revision of circular MEPC.1/Circ.795.

Strategic direction, if applicable: Not applicable

Output: 7.43

Action to be taken: Paragraph 8

Related documents: MEPC 80/17; MEPC 81/3/2, MEPC 81/3/3; Circular Letter No. 4744; and PPR 10/18/Add.1

Introduction

1 This document is submitted in accordance with paragraph 6.12.5 of the *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.5) and provides comments on document MEPC 81/3/2 concerning "amendments to MARPOL Annex VI Regulation 13" and associated guidelines.

Background

2 MEPC 80 (July 2023) approved the draft amendments to regulation 13 of MARPOL Annex VI, which were included in Circular Letter No.4744 and the document submitted to MEPC 81 (MEPC 81/3/2).

3 In this context, the Committee deferred consideration of the draft 2023 Guidelines, as required by regulation 13.2.2 (PPR 10/18/Add.1, annex 7), to MEPC 81, with a view to adoption, in conjunction with the adoption of the above-mentioned amendments to regulation 13.2.2 of MARPOL Annex VI (MEPC 80/18, paragraph 5.21), which is now produced as document MEPC 81/3/3 (Secretariat).

4 MEPC 80 (July 2023) also instructed the Secretariat to update the unified interpretation to regulation 13, paragraph 2.2, of MARPOL Annex VI, prepared by PPR 10 (PPR 10/18/Add.1, annex 8) for inclusion in a future revision of circular MEPC.1/Circ.795, when the corresponding amendments to regulation 13.2.2 of MARPOL Annex VI enter into force (MEPC 80/17, paragraph 5.12).

Discussion

5 The co-sponsors noted that the proposed amendments to regulation 13, paragraph 2.2, of MARPOL Annex VI refers to "a Party", which follows the precedent of paragraph 7.1 of the same regulation. The co-sponsors understand that paragraph 7.1 is on the certification of engines, thus the expression "an Administration of a Party" is used, which may be the local government where the engine manufacturer resides as an appropriate body to implement the requirement. However, the co-sponsors are of the view that, since the issue in paragraph 2.2 is the matter of conversion of ships in service, the decision has to be made by the flag Administration, i.e. "the Administration", not "a Party" to the Convention. The same applies to the unified interpretation and guidelines referred to in the above paragraphs 3 and 4. In this regard, the notification to the Organization is required only for the installation that takes place after entry into force.

Proposal

6 The co-sponsors propose the following revisions:

- .1 To revise the draft amendments to regulation 13.2.2 (MEPC 81/3/2), as follows:

"For a major conversion involving the replacement of a marine diesel engine with a non-identical marine diesel engine, or the installation of an additional marine diesel engine, the standards in this regulation at the time of the replacement or addition of the engine shall apply. For the purpose of this regulation, the installation of a marine diesel engine replacing a steam system shall be considered a replacement engine. In the case of replacement engines only, if it is not possible for such a replacement engine to meet the standards set forth in paragraph 5.1.1 of this regulation (Tier III, as applicable), then that replacement engine shall meet the standards set forth in paragraph 4 of this regulation (Tier II), taking into account the guidelines developed by the Organization. ~~A Party~~ **The Administration** shall notify the Organization in those instances where a Tier II rather than a Tier III replacement engine has been installed on or after [Entry into force date] in accordance with the provisions of this paragraph.";

- .2 With regard to the draft *2023 Guidelines as required by regulation 13.2.2 in respect of non-identical replacement engines not required to meet the tier III limit* (MEPC 81/3/3), since the text uses "the Administration" in paragraph 10, no further change is required.
- .3 To revise the unified interpretation to regulation 13, paragraph 2.2, of MARPOL Annex VI, as given in paragraph 6.1 above.

Action requested of the Committee.

7 The Committee is invited to consider the comments above, notably the proposal in paragraph 6, and take action, as appropriate.
