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Agenda item 7

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**EVALUATION AND HARMONIZATION OF RULES AND GUIDANCE ON THE
DISCHARGE OF DISCHARGE WATER FROM EGCS INTO THE AQUATIC
ENVIRONMENT, INCLUDING CONDITIONS AND AREAS**

**Importance of developing a database of local/regional regulations on
EGCS discharges within the public area of the MARPOL Annex VI module
in GISIS as a matter of priority**

Submitted by BIMCO

SUMMARY

Executive summary: MEPC 77 agreed to consider developing a database containing local/regional restrictions/conditions on the discharge water from exhaust gas cleaning systems (EGCS) (also known as scrubbers). However, such a database has not yet been developed. BIMCO proposes that the Organization should start the development of a database of local/regional regulations on EGCS discharges within the public area of the MARPOL Annex VI module in GISIS as a matter of priority.

Strategic direction, if applicable: 1

Output: 1.23

Action to be taken: Paragraph 22

Related documents: MEPC 77/WP.8; MEPC 79/5/4; MEPC 80/5/5, MEPC 80/5/7; MEPC.1/Circ.899 and PPR 9/21

Introduction

1 This document comments on agenda item 7 of the provisional agenda of PPR 11, concerning the "Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas".

2 MEPC 77 (November 2021) agreed to the scope of work, as set out in annex 3 to document MEPC 77/WP.8, including:

"Develop a database containing local/regional restrictions/conditions on the discharge water from EGCS."

3 With regard to part 3 (Regulatory matters) of the scope of work, several delegations at PPR 9 expressed support to include an obligation in MARPOL Annex VI for Member States to notify the Organization of any local regulations and restrictions on discharge water from EGCS.

4 Several delegations at PPR 9 (April 2022) supported the proposed development of a database containing local/regional restrictions on the discharge of EGCS discharge water as part of the scope of work on regulatory matters and made reference to the current lack of clarity with respect to the existence of some local restrictions.

5 PPR 9 invited the Secretariat to explore the possible development of a database of local/regional regulations on EGCS discharges within the MARPOL Annex VI module in GISIS (PPR 9/21, paragraph 10/28).

6 MEPC 78 approved the *2022 Guidelines for risk and impact assessments of the discharge water from exhaust gas cleaning systems* (MEPC.1/Circ.899), which stipulate that:

"The Member States that have undertaken risk and impact assessments should notify the Organization of the result of the assessments together with the notification of local regulations on the discharges of discharge water from EGCSs."

7 Document MEPC 79/5/4 (CESA) included, amongst others, a proposal that the Organization shall circulate and make publicly available a list of the sea areas, including ports, harbours and estuaries, subject to local regulations on the discharges of discharge water from EGCS.

8 Similarly, the proposal in document MEPC 80/5/5 (Austria et al.), as well as the amendments proposed in document MEPC 80/5/7 (Japan), suggested that:

- .1 a Party shall notify the Organization of national regulations for circulation to the Members of the Organization when the Party regulates discharges of discharge water from a ship in its territorial sea; and
- .2 the Organization shall circulate and make publicly available a list of the sea areas, including ports, harbours and estuaries, subject to local regulations on the discharges of discharge water.

9 MEPC 80 recalled that PPR 10 had agreed to re-instate the agenda item on "Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas" in the provisional agenda for PPR 11.

Background

10 BIMCO often receives enquiries from the industry concerning local regulations on the discharges of discharge water. In some cases, the lack of transparency has led to contractual disputes between shipowners and time charterers.

11 Since 2018, BIMCO has been collating information on countries and ports that have restricted or banned discharges of discharge water within their jurisdiction.

12 A detailed list of local restrictions can be accessed on BIMCO's website: <https://www.bimco.org/ships-ports-and-voyage-planning/environment/scrubberwashlandingpage>

13 It should be noted that, due to the dispersed sources of information and intricate nature of the data sources, the list may contain inaccuracies or incomplete information despite BIMCO's best efforts to keep the list updated. The list is non-exhaustive, and regulations may exist in countries not contained in this list.

14 In several cases it has been impossible to verify information from secondary sources, such as ports or agents with the relevant authority (primary source). In these cases, BIMCO has tried to verify the information with credible independent local sources, such as relevant national industry associations.

15 Table 1 summarizes, in order of decreasing stringency, some of the BIMCO findings on the subtle differences in the local/national regulatory scope regarding the use of EGCS or discharge of washwater from EGCS operating in open-loop mode:

Table 1: Summary of differences in regulatory scope

Use of EGCS	Discharge of washwater
Use of EGCS is not permitted within a range of 3 nautical miles from the coastline.	Discharge is prohibited in ports and all territorial waters.
Use of EGCS is prohibited within port limits.	Discharge is prohibited in inland waters and territorial sea.
Use of EGCS is forbidden in ports.	Discharge is prohibited in ports and inland waters.
Use of EGCS is not allowed in certain specific ports.	Discharge is prohibited in inland areas and port areas.
Use of EGCS is not allowed pending a definitive policy decision.	Discharge is banned in ports and anchorage areas.
Use of EGCS is not prohibited, however, the use of non-compliant fuels is allowed by the authority under certain exemptions.	No explicit prohibition on the discharge of washwater, but there is an informal discouragement.
Use of EGCS is permitted with prior authorization from the port authority.	Discharge is permitted subject to an evaluation by competent environmental authorities. There is no consistent regional application or enforcement of this national regulation.
	Discharge permitted upon demonstrating a lack of adverse environmental effects.
	Discharge is prohibited; however, the restrictions are temporarily suspended.

16 As demonstrated above, due to the diversity in the wording of regulations or the explicit absence of written information available, it may be difficult to ensure that maritime operations are in alignment with local requirements. It therefore underscores the necessity for the Organization to establish and maintain a database containing all local/regional restrictions/conditions on the discharge water from EGCS.

17 BIMCO has employed four general categories, namely, "Discharge allowed", "Discharge partially allowed", "Discharge allowed based on certain conditions", and "Discharge prohibited".

18 Where the discharge of wash water is allowed "partially", it means discharge is allowed except in some specific ports, or only in certain parts of the territorial waters.

19 Where discharge of wash water is allowed 'conditioned', it means discharge is only allowed based on pre-approval by the relevant authority.

Proposal

20 BIMCO believes that a central database with data provided from Member States to the Organization will be more accurate and up to date. It is paramount for the industry to be able prepare for local restrictions on the discharge of water from EGCS before a ship begins its voyage.

21 BIMCO therefore proposes that the Organization should develop a database of local/regional regulations on EGCS discharges within the public area of the MARPOL Annex VI module in GISIS as a matter of priority.

Action requested of the Sub-Committee

22 The Sub-Committee is invited to consider this document and especially the proposal in paragraph 21 and take action, as appropriate.
