

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
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Agenda item 14

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**REVISION OF MARPOL ANNEX IV AND ASSOCIATED GUIDELINES TO INTRODUCE
PROVISIONS FOR RECORD-KEEPING AND MEASURES TO CONFIRM THE
LIFETIME PERFORMANCE OF SEWAGE TREATMENT PLANTS**

**Modification of the proposed amendments of MARPOL Annex IV
regarding new and existing ships**

Submitted by IACS

SUMMARY

<i>Executive summary:</i>	This document comments on document PPR 9/14 containing the report of the Correspondence Group on Amendments of MARPOL Annex IV and Associated Guidelines, and provides proposed amendments of MARPOL Annex IV regarding new and existing ships to facilitate the consideration and development of amendments of MARPOL Annex IV
<i>Strategic direction, if applicable:</i>	1
<i>Output:</i>	1.23
<i>Action to be taken:</i>	Paragraph 15
<i>Related documents:</i>	PPR 8/7, PPR 8/7/6, PPR 8/7/8, PPR 8/7/9, PPR 8/7/10, PPR 8/13 and PPR 9/14

Introduction

1 This document provides comments on document PPR 9/14 (Norway) regarding definitions and application to new and existing ships.

Background

2 At PPR 8, the Sub-Committee re-established the Correspondence Group on Amendments to MARPOL Annex IV and Associated Guidelines, under the coordination of Norway, to progress further the work on revision of MARPOL Annex IV and associated guidelines with the approved terms of reference.

3 IACS appreciates the hard work of the coordinator and all participants of the Correspondence Group, which allowed for substantial progress in the revision of MARPOL Annex IV and associated guidelines. IACS notes that there are still issues that need further consideration, which include the review of the scope of application of the draft amendments of MARPOL Annex IV to new and existing ships.

4 In order to facilitate the discussion during PPR 9 and to further the development of the draft amendments of MARPOL Annex IV and the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plans*, IACS is pleased to provide additional considerations regarding the definitions of "new ship", "existing ship" and "passenger ship", as well as specific proposals to modify relevant draft regulations of MARPOL Annex IV and its appendix I, as set out in the paragraphs below.

Discussion and proposals

Definitions of "new ship", "existing ship" and "passenger ship"

5 IACS notes that there is no modification of the definitions of "new ship", "existing ship" and "passenger ship" in regulations 1.1, 1.2 and 1.10 of MARPOL Annex IV so far. The definitions of "new ship", "existing ship" and "passenger ship" in regulation 1 of MARPOL Annex IV appearing in annex 1 to document PPR 9/14 are as follows:

"1 *New ship* means a ship:

- .1 for which the building contract is placed, 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 the date of entry into force of this Annex; or
- .2 the delivery of which is three years or more after the date of entry into force of this Annex."

"2 *Existing ship* means a ship which is not a new ship."

"10 *A passenger ship* means a ship which carries more than 12 passengers.

For the application of regulation 11.3, a *new passenger ship* is a passenger ship:

- .1 for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is in a similar stage of construction, on or after 1 June 2019; or
- .2 the delivery of which is on or after 1 June 2021.

An existing passenger ship is a passenger ship which is not a new passenger ship."

6 IACS notes that the terms "new ship" and "existing ship" appear only in regulation 2 of MARPOL Annex IV and its appendix I (form of the International Sewage Pollution Prevention Certificate), while the terms "new passenger ship" and "existing passenger ship" appear only in regulation 11.3 of MARPOL Annex IV (Discharge of sewage and sewage sludge and effluent from passenger ships within a special area) and its appendix I.

7 However, the meaning of terms "new ship" and "existing ship" in the context of the report of the Correspondence Group (PPR 9/14) refers to ships built on or after the date of entry into force of the draft amendments of MARPOL Annex IV. The wording of some regulations concerning the application of introduced new requirements to new ships is also based on such understanding. For example, draft new regulation 9.3 of MARPOL Annex IV states:

"3 Provisions in regulations 9.1.1.and 9.2.1 apply to:

- .1 ships for which building contract is placed, or in the absence of a building contract, the keel of which is laid, or at a similar stage of construction on or after dd.mm.20yy]; and
- .2 ships other than those specified in paragraph 1 above not later than dd.mm.20yy.]"

8 Draft new regulation 9.3.1 of MARPOL Annex IV actually refers to ships constructed on or after the date of entry into force of the draft amendments of MARPOL Annex IV, while regulation 9.3.2 of MARPOL Annex IV refers to ships constructed before that date. IACS notes that the same wording is used in new regulations 9.4 and 11B.1 of the draft amendments of MARPOL Annex IV.

9 IACS believes that the definitions of "new ship" and "existing ship" should be revised to clearly specify the ships to which new requirements of the amendments will apply no matter whether those new requirements will apply to new ships only or also to existing ships. In view of the fact that the terms "new ship" and "existing ship" only appear once, both in regulation 2 of MARPOL Annex IV and in appendix I thereof, IACS proposes that the definition of "new ship" in regulation 1 of MARPOL Annex IV uses the common expression for different ship generations as in regulation 1 of MARPOL Annex I, and be amended as follows:*

"1 New Ship delivered on or after 27 September 2006 means a ship:

- .1 for which the building contract is placed on or after 27 September 2003; or
- .2 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 27 September 2003 the date of entry into force of this Annex;* or
- .23 the delivery of which is ~~three years or more after the date of entry into force of this Annex~~ on or after 27 September 2006."

10 In addition, considering that the draft amendment of MARPOL Annex IV will introduce new requirements, which may be implemented differently to new shipbuilding on or after the date of entry into force of the amendments and to ships in service, in order to distinguish ships of different generations applicable to different requirements, a new definition of "ship delivered on or after..." is proposed to be introduced in the draft amendments of MARPOL Annex IV as follows:

"1.19 Ship delivered on or after [dd.mm 20yy+ [three years]] means a ship:

- .1 for which the building contract is placed on or after [dd.mm 20yy] (the date of entry into force of the Amendments); or
- .2 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 [dd.mm 20yy [+ six months]]; or

* Here and elsewhere, tracked changes are indicated using "strikeout" for deleted text and "grey shading" to highlight all modifications and new insertions, including deleted text.

~~.3 the delivery of which is on or after [dd.mm 20yy + [three years] 1]."~~

11 Further, regulation 1.10 of MARPOL Annex IV contains the definition of a passenger ship which includes new and existing passenger ships. This definition is mainly used in regulation 11.3 of MARPOL Annex IV regarding the sewage discharge requirements of passenger ships operating within special areas. Considering that the terms new and existing passenger ships appear only once, both in regulation 11.3 of MARPOL Annex IV and in appendix I thereof, but not in the definitions in regulation 1 of MARPOL Annex IV, it is proposed to use a similar formulation of the definition as for "new ship" in paragraph 9 above. At the same time, the definition of "existing passenger ship" in the definition of a passenger ship in regulation 1.10 of MARPOL Annex IV is no longer needed. In addition, as a result of the IACS proposed changes to regulation 2 of MARPOL Annex IV discussed in paragraph 12 below, the term "existing ship" would no longer appear and the definition of "existing ship" in regulation 1.2 of MARPOL Annex IV can be deleted, while the definition of a new passenger ship can be introduced in regulation 1.2 of MARPOL Annex IV. Therefore, it is proposed to amend regulations 1.2 and 1.10 of MARPOL Annex IV as follows:

"1.2 ~~Existing ship means a ship which is not a new ship.~~ *Passenger ship delivered on or after 1 June 2021 means a passenger ship:*

~~.1 for which the building contract is placed on or after 1 June 2019; or~~

~~.2 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; or~~

~~.3 the delivery of which is on or after 1 June 2021."~~

"1.10 *A passenger ship means a ship which carries more than 12 passengers.* ~~For the application of regulation 11.3, a new passenger ship is a passenger ship:~~

~~.1 for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is in a similar stage of construction, on or after 1 January 2019; or~~

~~.2 the delivery of which is on or after 1 January 2021.~~

~~An existing passenger ship is a passenger ship which is not a new passenger ship."~~

Application

12 The application in the current regulation 2 of MARPOL Annex IV stipulates not only the implementation dates for new ships and existing ships, but also the scope of application to ships of 400 gross tonnage and above, as well as to ships of less than 400 gross tonnage. Considering that the implementation dates for existing ships have passed, IACS sees no need to retain regulations 2.1.3 and 2.1.4 of MARPOL Annex IV. In combination with the revision of the definition of "new ship" discussed above, it is suggested that regulation 2 of MARPOL Annex IV be amended accordingly as follows:

"1 The provisions of this Annex shall apply to the following ships engaged in international voyages:

.1 ~~new~~ ships of 400 gross tonnage and above; and

- .2 ~~new~~ ships of less than 400 gross tonnage which are certified to carry more than 15 persons; ~~and~~
- ~~.3 existing ships of 400 gross tonnage and above, five years after the date of entry into force of this Annex; and~~
- ~~.4 existing ships of less than 400 gross tonnage which are certified to carry more than 15 persons, five years after the date of entry into force of this Annex.~~

2 The Administration shall ensure that ~~existing~~ ships, ~~according to subparagraphs 1.3 and 1.4 of this regulation,~~ the keels of which are laid or which are of a similar stage of construction before 2 October 1983, shall be equipped, as far as practicable, to discharge sewage in accordance with the requirements of regulation 11 of the Annex."

"Chapter 3 – Equipment, and control of discharge, sewage and sewage sludge management and control of performance"

13 Based on the proposed amendments to the definitions of "new ship" and "passenger ship" above, IACS believes that the requirements in the draft amendments of MARPOL Annex IV, concerning the scope of application of the new requirements, need to be amended accordingly, as follows:

.1 *Regulation 9 of MARPOL Annex IV:*

~~"3 Provisions in regulations 9.1.1 and 9.2.1 apply to:~~

- ~~.1 ships delivered on or after [dd.mm 20yy+[three years]], as defined in regulation 1.19 of this Annex for which building contract is placed, or in the absence of a building contract, the keel of which is at a similar stage of construction on or after dd.mm.20yy]; and~~
- ~~.2 ships other than those specified in paragraph 1 above not later than dd.mm.20yy.];~~

~~4 Ships subject to regulation 9.1.1 and 9.2.1 and delivered on or after [dd.mm 20yy+[three years]], as defined in regulation 1.19 of this Annex, for which the building contract is placed, 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 [dd.mm.20yy] shall be fitted with [minimum of one] [dedicated] holding tank of the capacity to the satisfaction of the Administration] for the retention of [all] sewage sludge, [and the storage for overflows from the sewage treatment plants,] having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall have a means to indicate visually the volume or capacity of the tank."~~

.2 *Regulation 11 of MARPOL Annex IV:*

"3 Subject to the provisions of regulation 3 of this Annex, the discharge of sewage and sewage sludge [and effluent] from a passenger ship within a special area shall be prohibited:

- .1 for ~~new~~ passenger ships delivered on or after 1 June 2021, as defined in regulation 1.2 of this Annex, on a date determined by the Organization pursuant to regulation 13.2 of this Annex, ~~but in no event prior to 1 June 2019;~~ and
- .2 for ~~existing~~ passenger ships delivered before 1 June 2021, on a date determined by the Organization pursuant to regulation 13.2 of this Annex, ~~but in no event prior to 1 June 2021."~~
- .3 *Regulation 11B of MARPOL Annex IV:*

"1 This regulation applies to:

- .1 ships delivered on or after [dd.mm.20yy+[three years]], as defined in regulation 1.19 of this Annex ~~for which building contract is placed, or in the absence of a building contract, the keel of which is at a similar stage of construction on or after [dd.mm.20yy];~~ [and
- .2 all ships other than those specified in paragraph .1 above not later than [dd.mm.20yy,]]

which are fitted with a sewage treatment plant, in accordance with regulation 9.1.1 or 9.2.1."

Appendix I – Form of the International Sewage Pollution Prevention Certificate

14 In addition to the above draft regulations, IACS considers that appendix I of MARPOL Annex IV should be amended based on the proposed amendments to the definitions of new and existing ships, and new and existing passenger ships as follows:

"...
~~New/existing ship~~³
 Type of ship for the application of regulation 11.3:³
~~New/Existing p~~Passenger ship/Ship other than a passenger ship
 ..."

Action requested of the Sub-Committee

15 The Sub-Committee is invited to consider the foregoing, specifically the proposals in paragraphs 9 to 14, and take action as appropriate.