

MARPOL Annex VI

Legal Implementation

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Regulations for the Prevention of Air Pollution from Ships

Objective & Definition of Terms

- Regulations aims at regulation of Prevention of Air Pollution from Ships while in Ports and on board the Ships flying the Flag of Particular Party
- Example

"Major Conversion" means conversion of a ship that -

- *substantially alters the dimensions, carrying capacity or engine power of the ship;*
- *changes the type of the ship;*
- *the intent of which in the opinion of the responsible authority is substantially to prolong the life of the ship;*
- *otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of these Regulations which are not applicable to it as an existing ship; or*
- *substantially alters the energy efficiency of the ship and includes any modifications that could cause the ship to exceed the applicable required EEDI as set out in Article ..."*

Ozone-depleting substances

Regulations shall apply to **all ships** except where expressly stated otherwise.

- These Regulations shall not apply to –
 - A. any emission necessary for the purpose of securing the safety of a ship or saving life at sea; or
 - B. any emission resulting from damage to a ship or its equipment where all reasonable precautions have been taken after the occurrence of the damage or discovery of the emission for the purpose of preventing or minimizing the emission.
 - C. Paragraph (2) (b) shall not apply where it is determined that the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

Exemptions

- The responsible authority may, in accordance with the provisions of paragraph 2 of Regulation 3 of the Annex, issue an exemption from specific provisions of the Annex for a ship to conduct trials for the development of ship emission reduction and control technologies and engine design programmes.
- Emissions directly arising from the exploration, exploitation and associate offshore processing of sea-bed mineral resources are exempt from the provisions of these Regulations.

Equivalents

- (1) The responsible authority may allow compliance methods used as an equivalent compliance methods to that required by Annex VI regarding any fitting, material, appliance or apparatus to be fitted in a ship or other procedures, alternative fuel oils, where the methods are, at least, as effective in terms of emissions reductions as those required by the Annex and standards provided therein.
- (2) Where, as provided for in paragraph (1), the responsible authority allows alternative compliance methods, it shall communicate the particulars thereof to the Organization for further transmission to the Parties.

Surveys

Every ship of 400 gross tonnage and above and every fixed and floating drilling rig and other platforms shall, be subject to the following surveys –

- an initial survey;
- a renewal survey;
- an intermediate survey;
- an annual survey; and
- an additional survey (general or partial).

Ships < 400 GT

- In the case of ships of less than 400 gross tonnage engaged in international navigation, the responsible authority shall establish measures to provide for the compliance of these ships with the provisions of Regulations.

International Air Pollution Prevention Certificate

The responsible authority, after an initial or renewal survey

- a ship of 400 gross tonnage and above engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties; or
- platforms and drilling rigs engaged in voyages to waters under the sovereignty or jurisdiction of other Parties to the Convention,

shall issue an International Air Pollution Prevention Certificate where it is found that the ship satisfies the requirements of these Regulations.

International Energy Efficiency Certificate

- (1) An International Energy Efficiency Certificate shall, subject to any conditions that may be imposed upon the master or owner of the ship / vessel be valid throughout her life.
- (2) An International Energy Efficiency Certificate shall cease to be valid in any of the following cases –
 - (a) if the ship is withdrawn from service or if a new certificate is issued following major conversion of the ship;
 - (b) upon transfer of the ship to the flag of another State.

Ozone-depleting substances

- No person shall cause deliberate emissions of ozone-depleting substances including emissions that occur in the course of maintaining, servicing, repairing or disposing of systems of equipment
- Emissions referred above do not include minimal releases associated with the recapture or recycling of an ozone-depleting substance.

Fuel oil availability

- The responsible authority shall take all reasonable steps to promote the availability of fuel oils that comply with this Annex and inform the Organization of the availability of compliant fuel oils in its ports and terminals.
- The ship should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.
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The bunker delivery note

- The master shall keep the bunker delivery note on board the ship in such a place as to be readily available for inspection at all reasonable times. **It shall be retained for a period of three years after the fuel oil has been delivered on board.**
- The responsible authority of a Party may inspect the bunker delivery notes on board any ship to which these Regulations apply while the ship is in its port or offshore terminal, may make a copy of each delivery note, and may require the master to certify that each copy is a true copy of such bunker delivery note.
- The inspection of the bunker delivery notes and the taking of certified copies by the competent authority shall be performed as expeditiously as possible without causing the ship to be unduly delayed.
- The bunker delivery note shall be accompanied by a representative sample of the fuel oil delivered taking into account guidelines developed by the Organization.

Energy Efficiency for Ships

Attained EEDI

- "Attained EEDI" is the EEDI value achieved by an individual ship.
- The attained EEDI shall be calculated for:
 - each new ship;
 - each new ship which has undergone a major conversion; and
 - each new or existing ship which has undergone a major conversion, that is so extensive that the ship is regarded by the Administration as a newly constructed ship which falls into one or more of the categories in regulations.
 - The attained EEDI shall be verified, based on the EEDI technical file by the responsible authority.

Energy Efficiency for Ships

Required EEDI

- "Required EEDI" is the allowable maximum value of attained EEDI for the specific ship type and size.

Verification of Compliance - IMSAS

- (1) The responsible authority shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of these Regulations.
- (2) The Government of a PARTY shall facilitate the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.
- (3) An audit shall be -
 - (a) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
 - (b) conducted at periodic intervals, taking into account the guidelines developed by the Organization.

Polluter Pays Principle - Georgia

- Fee for environmental pollution for ships entered in Georgia's ports, except for port and technical service fleet and cargo, passenger, fishing, fish-processing and fish feedstock transport and processing ships of 500 GT:

Group №	GT Groups	Group Minimum and Maximum		Formula for the fee
		Fmin	Fmax	
I	1,001roundup – 5,000	195	875	$F = 195 + (\text{roundupVesselGRT} - 1100) * 0.174359$
II	5,001roundup – 15,000	895	1225	$F = -895 + (\text{roundupVesselGRT} - 5100) * 0.0333334$

The fee stipulated concerning GT of all groups shall be calculated by the following formula: F – means the fee, roundupVesselGt – is GT meaning – excess on round numbers to precision. Passenger vessels flying flags of foreign countries shall pay 20 % of this fee.

Q&A