

REPUBLIC OF SOUTH AFRICA

**MARINE POLLUTION
(PREVENTION OF POLLUTION
FROM SHIPS)
AMENDMENT BILL**

*(As introduced in the National Assembly (proposed section 76); explanatory summary of
Bill and prior notice of its introduction published in Government Gazette No. 45300 of
11 October 2021)
(The English text is the official text of the Bill)*

(MINISTER OF TRANSPORT)

[B 5—2022]

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Amendment of section 3 of Act 2 of 1986, as amended by section 3 of Act 66 of 1996

3. Section 3 of the principal Act, is hereby amended by—
- (a) the deletion of paragraph (e) of subsection (1) and the word “and” immediately preceding the said paragraph;
 - (b) the addition in subsection (1) of the following paragraphs:
 - “(e) relating to the prevention of air pollution from ships;
 - (f) relating to the prevention of pollution by sewage from ships;
 - (g) relating to the removal of endocrine disrupting substances from sewage streams before it is treated and released;
 - (h) relating to the permitted types of emission abatement equipment;
 - (i) relating to the requirements for the disposal of waste generated by the mitigation equipment;
 - (j) relating to accredited laboratories eligible to test the fuel samples and the costs;
 - (k) relating to the designation of Emission Control Areas (ECA);
 - (l) relating to the enforcement of protective measures in particularly sensitive sea areas and other special areas; and
 - (m) on generally any other ancillary or incidental administrative or procedural matters that are necessary for the proper implementation or administration of this Act.”.

Amendment of section 3A of Act 2 of 1986, as amended by section 2 of Act 5 of 1998

4. Section 3A of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:
- “(4) Any person convicted of an offence under subsection (1) shall be liable to a fine not exceeding [R500 000] R10 million, or to imprisonment for a period not exceeding [five years] 10 years or to such fine as well as such imprisonment.”.

Insertion of section 3B in Act 2 of 1986

5. The following section is hereby inserted in the principal Act after section 3A:

“Powers of Minister

- 3B.** The Minister may—
- (a) appoint an advisory committee to advise him or her in regard to any particular matter dealt with by this Act;
 - (b) conclude a co-operative agreement with other states;
 - (c) delegate or assign a duty to any official of the Department in regard to any matter dealt with by this Act, with the exception of the power to make regulations and the powers contemplated in paragraphs (a) and (b) of this section.”.

Amendment of Schedule to Act 2 of 1986

6. The Schedule to the principal Act is hereby amended by the addition of Annex IV and Annex VI, respectively, as provided in the Schedule to this Act.

Short title and commencement

7. This Act shall be called the Marine Pollution (Prevention of Pollution from Ships) Amendment Act, 2022, and shall come into effect on the date fixed by the President by proclamation in the *Gazette*.

Schedule

Annex IV

Regulations for the prevention of pollution by sewage from ships (regs 1–18)

CHAPTER 1

GENERAL

Regulation 1

Definitions

For the purposes of this Annex:

1. *New ship* means a ship—
 - (a) 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
 - (b) 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.
3. *Sewage* means—
 - (a) drainage and other wastes from any form of toilets and urinals;
 - (b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;
 - (c) drainage from spaces containing living animals; or
 - (d) other waste waters when mixed with the drainages defined above.
4. *Holding tank* means a tank used for the collection and storage of sewage.
5. *Nearest land*. The term “from the nearest land” means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention, “from the nearest land” off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in:°
 - latitude 11°00’S, longitude 142°08’E to a point in latitude 10°35’S, longitude 141°55’E, thence to a point latitude 10°00’S, longitude 142°00’E, thence to a point latitude 09°10’S, longitude 143°52’E, thence to a point latitude 09°00’S, longitude 144°30’E, thence to a point latitude 10°41’S, longitude 145°00’E, thence to a point latitude 13°00’S, longitude 145°00’E, thence to a point latitude 15°00’S, longitude 146°00’E, thence to a point latitude 17°30’S, longitude 147°00’E, thence to a point latitude 21°00’S, longitude 152°55’E, thence to a point latitude 24°30’S, longitude 154°00’E, thence to a point on the coast of Australia in latitude 24°42’S, longitude 153°15’E.
6. *Special area* means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by sewage is required. The special areas are—
 - (a) the Baltic Sea area as defined in regulation 1.11.2 of Annex I; and
 - (b) any other sea area designated by the Organization in accordance with criteria and procedures for designation of special areas with respect to prevention of pollution by sewage from ships.
7. *International voyage* means a voyage from a country to which the present Convention applies to a port outside such country, or conversely.
8. *Person* means member of the crew and passengers.

9. *A passenger* means every person other than—
 - (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
 - (b) a child under one year of age.
10. *A passenger ship* means a ship which carries more than twelve passengers. For the application of regulation 11.3, a *new passenger ship* is a passenger ship:
 - (a) 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
 - (b) the delivery of which is on or after 1 June 2021.
11. An *existing passenger ship* is a passenger ship which is not a new passenger ship.
12. *Anniversary date* means the day and the month of each year which will correspond to the date of expiry of the International Sewage Pollution Prevention Certificate.
13. *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
14. *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.
15. *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).
16. *Audit Standard* means the Code for Implementation.

Regulation 2

Application

1. The provisions of this Annex shall apply to the following ships engaged in international voyages:
 - (a) new ships of 400 gross tonnage and above; and
 - (b) new ships of less than 400 gross tonnage which are certified to carry more than 15 persons; and
 - (c) existing ships of 400 gross tonnage and above, five years after the date of entry into force of this Annex; and
 - (d) 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.

Regulation 3

Exceptions

1. Regulation 11 of this Annex and section 4.2 of chapter 4 of part II-A of the Polar Code shall not apply to:
 - (a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
 - (b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.

Chapter 2

Surveys and certification

Regulation 4

Surveys

1. Every ship which, in accordance with regulation 2, is required to comply with the provisions of this Annex shall be subject to the surveys specified below:
 - (a) An initial survey before the ship is put in service or before the Certificate required under regulation 5 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials fully comply with the applicable requirements of this Annex.
 - (b) A renewal survey at intervals specified by the Administration, but not exceeding five years, except where regulation 8.2, 8.5, 8.6 or 8.7 of this Annex is applicable. The renewal survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials fully comply with applicable requirements of this Annex.
 - (c) An additional survey, either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in paragraph 9 of this regulation, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of this Annex.
2. The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph 1 of this regulation in order to ensure that the applicable provisions of this Annex are complied with.
3. Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.
4. An Administration nominating surveyors or recognizing organizations to conduct surveys as set forth in paragraph 3 of this regulation shall, as a minimum, empower any nominated surveyor or recognized organization to:
 - (a) require repairs to a ship; and
 - (b) carry out surveys if requested by the appropriate authorities of a Port State.
5. The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Convention for the information of their officers.
6. When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken, the Certificate should be withdrawn and the Administration shall be notified immediately and if the ship is in a port of another Party, the appropriate authorities of the Port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the Port State, the Government of the Port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the

Government of the Port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

7. In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.
8. The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
9. After any survey of the ship under paragraph 1 of this regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or materials covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.
10. Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex, the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph 1 of this regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the Port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

Regulation 5

Issue or endorsement of Certificate

1. An International Sewage Pollution Prevention Certificate shall be issued, after an initial or renewal survey in accordance with the provisions of regulation 4 of this Annex, to any ship which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention. In the case of existing ships this requirement shall apply five years after the date of entry into force of this Annex.
2. Such Certificate shall be issued or endorsed either by the Administration or by any persons or organization* duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

Regulation 6

Issue or endorsement of a Certificate by another Government

1. The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Sewage Pollution Prevention Certificate to the ship, and where appropriate, endorse or authorize the endorsement of that Certificate on the ship in accordance with this Annex.
2. A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the Administration requesting the survey.
3. A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under regulation 5 of this Annex.

4. No International Sewage Pollution Prevention Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

Regulation 7

Form of Certificate

1. The International Sewage Pollution Prevention Certificate shall be drawn up in the form corresponding to the model given in the appendix to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

Regulation 8

Duration and validity of Certificate

1. An International Sewage Pollution Prevention Certificate shall be issued for a period specified by the Administration which shall not exceed five years.
2. Notwithstanding the requirements of paragraph 1 of this regulation, when the renewal survey is completed within three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
3. When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
4. When the renewal survey is completed more than three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.
5. If a Certificate is issued for a period of less than five years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in paragraph 1 of this regulation.
6. If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organization authorized by the Administration may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.
7. If a ship at the time when a Certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.
8. A Certificate issued to a ship engaged on short voyages which has not been extended under the fore-going provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

9. In special circumstances, as determined by the Administration, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph 2.2, 5 or 6 of this regulation. In these special circumstances, the new Certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.
10. A Certificate issued under regulation 5 or 6 of this Annex shall cease to be valid in any of the following cases—
 - (a) if the relevant surveys are not completed within the periods specified under regulation 4.1 of this Annex; or
 - (b) upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Government issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of regulations 4.7 and 4.8 of this Annex. In the case of a transfer between Parties, if requested within 3 months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the Certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports.

Chapter 3

Equipment and control of discharge

Regulation 9

Sewage systems

1. Every ship which, in accordance with regulation 2, is required to comply with the provisions of this Annex shall be equipped with one of the following sewage systems:
 - (a) a sewage treatment plant which shall be of a type approved by the Administration, taking into account the standards and test methods developed by the Organization, or
 - (b) a sewage comminuting and disinfecting system approved by the Administration. Such system shall be fitted with facilities to the satisfaction of the Administration, for the temporary storage of sewage when the ship is less than 3 nautical miles from the nearest land, or
 - (c) a holding tank of the capacity to the satisfaction of the Administration for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall be constructed to the satisfaction of the Administration and shall have a means to indicate visually the amount of its contents.
2. By derogation from paragraph 1, every passenger ship which, in accordance with regulation 2, is required to comply with the provisions of this Annex, and for which regulation 11.3 applies while in a special area, shall be equipped with one of the following sewage systems:
 - (a) a sewage treatment plant which shall be of a type approved by the Administration, taking into account the standards and test methods developed by the Organization, or
 - (b) a holding tank of the capacity to the satisfaction of the Administration for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall be constructed to the satisfaction of the Administration and shall have a means to indicate visually the amount of its contents.

Regulation 10

Standard discharge connections

1. To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

Standard dimensions of flanges for discharge connections

Description	Dimension
Outside diameter	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm
Slots in flange	4 holes, 18 mm in diameter, equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 600 kPa. For ships having a moulded depth of 5 m and less, the inner diameter of the discharge connection may be 38 mm.	

2. For ships in dedicated trades, i.e. passenger ferries, alternatively the ship's discharge pipeline may be fitted with a discharge connection which can be accepted by the Administration, such as quick-connection couplings.

Regulation 11

Discharge of sewage

A. Discharge of sewage from ships other than passenger ships in all areas and discharge of sewage from passenger ships outside special areas

1. Subject to the provisions of regulation 3 of this Annex, the discharge of sewage into the sea is prohibited, except when:
 - (a) the ship is discharging comminuted and disinfected sewage using a system approved by the Administration in accordance with regulation 9.1.2 of this Annex at a distance of more than 3 nautical miles from the nearest land, or sewage which is not comminuted or disinfected, at a distance of more than 12 nautical miles from the nearest land, provided that, in any case, the sewage that has been stored in holding tanks, or sewage originating from spaces containing living animals, shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; the rate of discharge shall be approved by the Administration based upon standards developed by the Organization;* or
 - (b) the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 9.1.1 of this Annex, and the effluent shall not produce visible floating solids nor cause discoloration of the surrounding water.
2. The provisions of paragraph 1 shall not apply to ships operating in the waters under the jurisdiction of a State and visiting ships from other States while they are in these waters and are discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

B. Discharge of sewage from passenger ships within a special area

3. Subject to the provisions of regulation 3 of this Annex, the discharge of sewage from a passenger ship within a special area shall be prohibited:
 - (a) for new passenger ships, 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
 - (b) for existing passenger ships, on a date determined by the Organization pursuant to regulation 13.2 of this Annex, but in no event prior to 1 June 2021, except when the following conditions are satisfied: the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 9.2.1 of this Annex, and the effluent shall not produce visible floating solids nor cause discoloration of the surrounding water.

C. General requirements

4. When the sewage is mixed with wastes or waste water covered by other Annexes of the present Convention, the requirements of those Annexes shall be complied with in addition to the requirements of this Annex.

Chapter 4

Reception facilities

Regulation 12

Reception facilities

1. The Government of each Party to the Convention, which requires ships operating in waters under its jurisdiction and visiting ships while in its waters to comply with the requirements of regulation 11.1, undertakes to ensure the provision of facilities at ports and terminals for the reception of sewage, without causing delay to ships, adequate to meet the needs of the ships using them.
2. Small Island Developing States may satisfy the requirements in paragraphs 1 to 3 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization. The Government of each Party participating in the arrangement shall consult with the Organization, for circulation to the Parties of the present Convention:
 - (a) how the Regional Reception Facilities Plan takes into account the Guidelines;
 - (b) particulars of the identified Regional Ships Waste Reception Centres; and
 - (c) particulars of those ports with only limited facilities.
3. The Government of each Party shall notify the Organization, for transmission to the Contracting Governments concerned, of all cases where the facilities provided under this regulation are alleged to be inadequate.

Regulation 13

Reception facilities for passenger ships in special areas

1. Each Party, the coastline of which borders a special area, undertakes to ensure that:
 - (a) facilities for the reception of sewage are provided in ports and terminals which are in a special area and which are used by passenger ships;
 - (b) the facilities are adequate to meet the needs of those passenger ships; and
 - (c) the facilities are operated so as not to cause undue delay to those passenger ships.
2. The Government of each Party concerned shall notify the Organization of the measures taken pursuant to paragraph 1 of this regulation. Upon receipt of sufficient notifications in accordance with paragraph 1 of this regulation, the Organization shall establish a date from which the requirements of regulation 11.3 in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than 12 months in advance of that date. Until the date so established, ships while navigating in the special area shall comply with the requirements of regulation 11.1 of this Annex.

Chapter 5**Port State control****Regulation 14***Port State control on operational requirements*

1. A ship when in a port or an offshore terminal of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage.
2. In the circumstances given in paragraph 1 of this regulation, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.
3. Procedures relating to the port State control prescribed in article 5 of the present Convention shall apply to this regulation.
4. Nothing in this regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention.

Chapter 6**Verification of compliance with the provisions of this Annex****Regulation 15***Application*

1. Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

Regulation 16*Verification of compliance*

1. Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.
2. The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.
3. Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.
4. Audit of all Parties 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.

Chapter 7**International Code for Ships Operating in Polar Waters****Regulation 17***Definitions*

For the purpose of this Annex,

1. *Polar Code* means the International Code for ships operating in polar waters, consisting of an introduction, part I-A and part II-A and parts I-B and II-B, as adopted by resolutions MSC.385(94) and MEPC.264(68), as may be amended, provided that:
 - (a) amendments to the environment-related provisions of the introduction and chapter 4 of part II-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to an appendix to an annex; and
 - (b) amendments to part II-B of the Polar Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure.
2. *Antarctic area* means the sea area south of latitude 60°S.
3. *Arctic waters* means those waters which are located north of a line from the latitude 58°00'0N and longitude 042°00'0 W to latitude 64°37'0 N, longitude 035°27'0 W and thence by a rhumb line to latitude 67°03'9 N, longitude 026°33'4 W and thence by a rhumb line to the latitude 70°49'56 N and longitude 008°59'61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'6 N and 019°01'0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'29 N and longitude 043°23'08 E (Cap Kanin Nos) and thence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'1 W and thence to the latitude 58°00'0 N, longitude 042°00'0 W.
4. *Polar waters* means Arctic waters and/or the Antarctic area.

Regulation 18*Application and requirements*

1. This chapter applies to all ships certified in accordance with this Annex operating in polar waters.
2. Unless expressly provided otherwise, any ship covered by paragraph 1 of this regulation shall comply with the environment-related provisions of the introduction and with chapter 4 of part II-A of the Polar Code, in addition to any other applicable requirements of this Annex.

Appendix to Annex IV

Form of International Sewage Pollution Prevention Certificate

INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
.....
(full designation of the country)

by
.....
(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

Number of persons which the ship is certified to carry

IMO Number

New/existing ship

Date on which keel was laid or ship was at a similar stage of construction or, where applicable, date on which work for a conversion or an alteration or modification of a major character was commenced

THIS IS TO CERTIFY:

1 That the ship is equipped with a sewage treatment plant/comminuter/holding tank and a discharge pipeline in compliance with regulations 9 and 10 of Annex IV of the Convention as follows:

1.1 Description of the sewage treatment plant:

Type of sewage treatment plant

Name of manufacturer

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in the Guidelines on implementation of effluent standards and performance test for sewage treatment plants, adopted by resolution MEPC.227(64), as amended, including/excluding the standards of section 4.2 thereof.

1.2 Description of comminuter:

Type of comminuter
Name of manufacturer
Standard of sewage after disinfection

1.3 Description of holding tank:

Total capacity of the holding tank m³
Location

1.4 A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.

1.5 That the ship has been surveyed in accordance with regulation 4 of Annex IV of the Convention.

1.6 That the survey shows that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex IV of the Convention.

This Certificate is valid until (dd/mm/yyyy)
subject to surveys in accordance with regulation 4 of Annex IV of the Convention.

Completion date of the survey on which this Certificate is based (dd/mm/yyyy)

Issued at
(place of issue of Certificate)

Date (dd/mm/yyyy)
(date of issue) (signature of duly authorized official issuing the Certificate)

(seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE REGULATION 8.3 APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8.3 of Annex IV of the Convention, be accepted as valid until (dd/mm/yyyy)

Signed
(signature of duly authorized official)

Place

Date (dd/mm/yyyy)

(seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION 8.4 APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8.4 of Annex IV of the Convention, be accepted as valid until (dd/mm/yyyy)

Signed
(signature of duly authorized official)

Place

Date (dd/mm/yyyy)

(seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 8.5 OR 8.6 APPLIES

This Certificate shall, in accordance with regulation 8.5 or 8.6 of Annex IV of the Convention, be accepted as valid until (dd/mm/yyyy)

Signed
(signature of duly authorized official)

Place

Date (dd/mm/yyyy)

(seal or stamp of the authority, as appropriate)

Unified Interpretations of Annex IV

1. Definition of “a similar stage of construction:

- Reg. 1.1.1 “A similar stage of construction” means the stage at which—
 - (a) construction identifiable with a specific ship begins; and
 - (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

Building contract date, keel-laying date and delivery date

Reg. 1.1.2.1 Under certain provisions of the SOLAS and MARPOL Conventions, the application of regulations to a ship is governed by the dates:

- (a) for which the building contract is placed on or after dd/mm/yyyy; or
- (b) 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/yyyy; or
- (c) the delivery of which is on or after dd/mm/yyyy.

1.1.2.2. For the application of such provisions, the date on which the building contract is placed for optional ships should be interpreted to be the date on which the original building contract to construct the series of ships is signed between the shipowner and the shipbuilder provided:

- (a) the option for construction of the optional ship(s) is ultimately exercised within the period of one year after the date of the original building contract for the series of ships; and
- (b) the optional ships are of the same design plans and constructed by the same shipbuilder as that for the series of ships.

2. The application of regulations governed as described in paragraph 1, above, is to be applied as follows:
- (a) if a building contract signing date occurs on or after the contract date specified for a particular set of regulation amendments, then, that set of regulation amendments applies;
 - (b) only in the absence of a building contract does the keel laying date criteria apply and, if a ship's keel laying date occurs on or after the keel laying date specified for a particular set of regulation amendments, then, that set of regulation amendments applies; and
 - (c) regardless of the building contract signing date or keel laying date, if a ship's delivery date occurs on or after the delivery date specified for a particular set of regulation amendments, then, that set of regulation amendments applies except in the case where the Administration has accepted that the delivery of the ships was delayed due to unforeseen circumstances beyond the control of the shipbuilder and the owner.
3. Installed on board a ship on or after 1 January 2010
 Reg. 9.1.1 For application of resolution MEPC.159(55), the phrase "*installed on board a ship on or after 1 January 2010*" shall be interpreted as follows:
- (a) For new ships, installations on board ships the keels of which are laid or which are at a similar stage of construction on or after 1 January 2010.
 - (b) For existing ships, new installations with a contractual delivery date to the ship on or after 1 January 2010 or, in the absence of a contractual delivery date, the actual delivery of the equipment to the ship on or after 1 January 2010.

9.1.2. Standard discharge connections

Reg. 10.1 All ships subject to Annex IV, irrespective of their size and of the presence of a sewage treatment plant or sewage holding tank, shall be provided with a pipeline and the relevant shore connection flange for discharging sewage to port sewage treatment facility.

PROTOCOL OF 1997 TO AMEND THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO

THE PARTIES TO THE PRESENT PROTOCOL,

BEING Parties to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973;

RECOGNIZING the need to prevent and control air pollution from ships;

RECOGNIZING Principle 15 of the Rio Declaration on Environment and Development which calls for the application of a precautionary approach;

CONSIDERING that this objective could best be achieved by the conclusion of a Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

HAVE AGREED as follows:—

ARTICLE 1

INSTRUMENT TO BE AMENDED

1. The instrument which the present Protocol amends is the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as the "Convention").

ARTICLE 2**ADDITION OF ANNEX VI TO THE CONVENTION**

2. Annex VI entitled Regulations for the Prevention of Air Pollution from Ships, the text of which is set out in the Annex to the present Protocol, is added.

ARTICLE 3**GENERAL OBLIGATIONS**

3. (1) The Convention and the present Protocol shall, as between the Parties to the present Protocol, be read and interpreted together as one single instrument.

(2) Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

ARTICLE 4**AMENDMENT PROCEDURE**

4. In applying Article 16 of the Convention to an amendment to Annex VI and its appendices, the reference to 'a Party to the Convention' shall be deemed to mean the reference to a Party bound by that Annex.

FINAL CLAUSES**ARTICLE 5****SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION**

5. (1) The present Protocol shall be open for signature at the Headquarters of the International Maritime Organization (hereinafter referred to as the "Organization") from 1 January 1998 until 31 December 1998 and shall thereafter remain open for accession. Only Contracting States to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") may become Parties to the present Protocol by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature, subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization (hereinafter referred to as the "Secretary-General").

ARTICLE 6**ENTRY INTO FORCE**

6. (1) The present Protocol shall enter into force twelve months after the date on which not less than fifteen States, the combined merchant fleets of which constitute not less than 50 percent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with Article 5 of the present Protocol.

(2) Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

(3) After the date on which an amendment to the present Protocol is deemed to have been accepted in accordance with Article 16 of the Convention, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

ARTICLE 7**DENUNCIATION**

7. (1) The present Protocol may be denounced by any Party to the present Protocol at any time after the expiry of five years from the date on which the Protocol enters into force for that Party.

(2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

(3) A denunciation shall take effect twelve months after receipt of the notification by the Secretary-General or after the expiry of any other longer period which may be indicated in the notification.

(4) A denunciation of the 1978 Protocol in accordance with Article VII thereof shall be deemed to include a denunciation of the present Protocol in accordance with this Article. Such denunciation shall take effect on the date on which denunciation of the 1978 Protocol takes effect in accordance with Article VII of that Protocol.

ARTICLE 8**DEPOSITARY**

8. (1) The present Protocol shall be deposited with the Secretary-General (hereinafter referred to as the "Depositary").

(2) The Depositary shall—

(a) inform all States which have signed the present Protocol or acceded thereto of—

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of the present Protocol; and

(iii) the deposit of any instrument of denunciation of the present Protocol, together with the date on which it was received and the date on which the denunciation takes effect; and (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

(b) . . .

(3) As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 9**LANGUAGES**

9. The present Protocol is established in a single copy in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the present Protocol.

DONE at London this twenty-sixth day of September, one thousand nine hundred and ninety seven.

Annex VI***Regulations for the Prevention of Air Pollution from Ships******Chapter 1*****General****Regulation 1***Application*

1. The provisions of this Annex shall apply to all ships, except where expressly provided otherwise in regulations 3, 5, 6, 13, 15, 16, 18, 19, 20, 21 and 22 of this Annex.

Regulation 2*Definitions*

For the purpose of this Annex:

1. *Annex* means Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL), as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), and as modified by the Protocol of 1997, as amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of article 16 of the present Convention.
2. *A similar stage of construction* means the stage at which:
 - (a) construction identifiable with a specific ship begins; and
 - (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.
3. *Anniversary date* means the day and the month of each year that will correspond to the date of expiry of the International Air Pollution Prevention Certificate.
4. *Auxiliary control device* means a system, function or control strategy installed on a marine diesel engine that is used to protect the engine and/or its ancillary equipment against operating conditions that could result in damage or failure, or that is used to facilitate the starting of the engine. An auxiliary control device may also be a strategy or measure that has been satisfactorily demonstrated not to be a defeat device.
5. *Continuous feeding* is defined as the process whereby waste is fed into a combustion chamber without human assistance while the incinerator is in normal operating conditions with the combustion chamber operative temperature between 850°C and 1,200°C.
6. *Defeat device* means a device that measures, senses or responds to operating variables (e.g., engine speed, temperature, intake pressure or any other parameter) for the purpose of activating, modulating, delaying or deactivating the operation of any component or the function of the emission control system such that the effectiveness of the emission control system is reduced under conditions encountered during normal operation, unless the use of such a device is substantially included in the applied emission certification test procedures.
7. *Emission* means any release of substances, subject to control by this Annex, from ships into the atmosphere or sea.
8. *Emission control area* means an area where the adoption of special mandatory measures for emissions from ships is required to prevent, reduce and control air pollution from NO_x or SO_x and particulate matter or all three types of emissions

and their attendant adverse impacts on human health and the environment. Emission control areas shall include those listed in, or designated under, regulations 13 and 14 of this Annex.

9. *Fuel oil* means any fuel delivered to and intended for combustion purposes for propulsion or operation on board a ship, including gas, distillate and residual fuels.
10. *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurements of Ships, 1969, or any successor Convention.
11. *Installations* in relation to regulation 12 of this Annex means the installation of systems, equipment, including portable fire-extinguishing units, insulation, or other material on a ship, but excludes the repair or recharge of previously installed systems, equipment, insulation or other material, or the recharge of portable fire-extinguishing units.
12. *Installed* means a marine diesel engine that is or is intended to be fitted on a ship, including a portable auxiliary marine diesel engine, only if its fuelling, cooling or exhaust system is an integral part of the ship. A fuelling system is considered integral to the ship only if it is permanently affixed to the ship. This definition includes a marine diesel engine that is used to supplement or augment the installed power capacity of the ship and is intended to be an integral part of the ship.
13. *Irrational emission control strategy* means any strategy or measure that, when the ship is operated under normal conditions of use, reduces the effectiveness of an emission control system to a level below that expected on the applicable emission test procedures.
14. *Marine diesel engine* means any reciprocating internal combustion engine operating on liquid or dual fuel, to which regulation 13 of this Annex applies, including booster/compound systems if applied. In addition, a gas fuelled engine installed on a ship constructed on or after 1 March 2016 or a gas fuelled additional or non-identical replacement engine installed on or after that date is also considered as a marine diesel engine.
15. *NO_x Technical Code* means the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines adopted by resolution 2 of the 1997 MARPOL Conference, as amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of article 16 of the present Convention.
16. *Ozone-depleting substances* means controlled substances defined in paragraph (4) of article 1 of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A, B, C or E to the said Protocol in force at the time of application or interpretation of this Annex. Ozone-depleting substances that may be found on board ship include, but are not limited to:
 - Halon 1211 Bromochlorodifluoromethane
 - Halon 1301 Bromotrifluoromethane
 - Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2)
 - CFC-11 Trichlorofluoromethane
 - CFC-12 Dichlorodifluoromethane
 - CFC-113, 1,1,2-Trichloro-1,2,2-trifluoroethane
 - CFC-114, 1,2-Dichloro-1,1,2,2-tetrafluoroethane

- CFC-115 Chloropentafluoroethane

17. *Shipboard incineration* means the incineration of wastes or other matter on board a ship, if such wastes or other matter were generated during the normal operation of that ship.
18. *Shipboard incinerator* means a shipboard facility designed for the primary purpose of incineration.
19. *Ships constructed* means ships the keels of which are laid or that are at a similar stage of construction.
20. *Sludge oil* means sludge from the fuel oil or lubricating oil separators, waste lubricating oil from main or auxiliary machinery, or waste oil from bilge water separators, oil filtering equipment or drip trays.
21. *Tanker* in relation to regulation 15 of this Annex means an oil tanker as defined in regulation 1 of Annex I of the present Convention or a chemical tanker as defined in regulation 1 of Annex II of the present Convention.

For the purpose of chapter 4:

22. *Existing ship* means a ship which is not a new ship.
23. *New ship* means a ship:
 - (a) for which the building contract is placed on or after 1 January 2013; or
 - (b) 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 July 2013; or
 - (c) the delivery of which is on or after 1 July 2015.
24. *Major Conversion* means in relation to chapter 4 of this Annex a conversion of a ship:
 - (a) which substantially alters the dimensions, carrying capacity or engine power of the ship; or
 - (b) which changes the type of the ship; or
 - (c) the intent of which in the opinion of the Administration is substantially to prolong the life of the ship; or
 - (d) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship; or
 - (e) which 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 regulation 21 of this Annex.
25. *Bulk carrier* means a ship which is intended primarily to carry dry cargo in bulk, including such types as ore carriers as defined in regulation 1 of chapter XII of SOLAS 74 (as amended), but excluding combination carriers.
26. *Gas carrier* in relation to chapter 4 of this Annex means a cargo ship, other than an LNG carrier as defined in paragraph 38 of this regulation, constructed or adapted and used for the carriage in bulk of any liquefied gas.
27. *Tanker* in relation to chapter 4 of this Annex means an oil tanker as defined in regulation 1 of Annex I of the present Convention or a chemical tanker or an NLS tanker as defined in regulation 1 of Annex II of the present Convention.
28. *Containership* means a ship designed exclusively for the carriage of containers in holds and on deck.
29. *General cargo ship* means a ship with a multi-deck or single deck hull designed primarily for the carriage of general cargo. This definition excludes specialized dry cargo ships, which are not included in the calculation of reference lines for general

cargo ships, namely livestock carrier, barge carrier, heavy load carrier, yacht carrier, nuclear fuel carrier.

30. *Refrigerated cargo carrier* means a ship designed exclusively for the carriage of refrigerated cargoes in holds.
31. *Combination carrier* means a ship designed to load 100% deadweight with both liquid and dry cargo in bulk.
32. *Passenger ship* means a ship which carries more than 12 passengers.
33. *Ro-ro cargo ship (vehicle carrier)* means a multi deck roll-on-roll-off cargo ship designed for the carriage of empty cars and trucks.
34. *Ro-ro cargo ship* means a ship designed for the carriage of roll-on-roll-off cargo transportation units.
35. *Ro-ro passenger ship* means a passenger ship with roll-on-roll-off cargo spaces.
36. *Attained EEDI* is the EEDI value achieved by an individual ship in accordance with regulation 20 of this Annex.
37. *Required EEDI* is the maximum value of attained EEDI that is allowed by regulation 21 of this Annex for the specific ship type and size.
38. *LNG carrier* in relation to chapter 4 of this Annex means a cargo ship constructed or adapted and used for the carriage in bulk of liquefied natural gas (LNG).
39. *Cruise passenger ship* in relation to chapter 4 of this Annex means a passenger ship not having a cargo deck, designed exclusively for commercial transportation of passengers in overnight accommodations on a sea voyage.
40. *Conventional propulsion* in relation to chapter 4 of this Annex means a method of propulsion where a main reciprocating internal combustion engine(s) is the prime mover and coupled to a propulsion shaft either directly or through a gear box.
41. *Non-conventional propulsion* in relation to chapter 4 of this Annex means a method of propulsion, other than conventional propulsion, including diesel-electric propulsion, turbine propulsion, and hybrid propulsion systems.
42. *Polar Code* means the International Code for Ships Operating in Polar Waters, consisting of an introduction, parts I-A and II-A and parts I-B and II-B, adopted by resolutions MSC.385(94) and MEPC.264(68), as may be amended, provided that—
 - (a) amendments to the environment-related provisions of the introduction and chapter 1 of part II-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to an appendix to an annex; and
 - (b) amendments to part II-B of the Polar Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure.]
43. A ship *delivered on or after 1 September 2019* means a ship:
 - (a) for which the building contract is placed on or after 1 September 2015; or
 - (b) 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 March 2016; or
 - (c) the delivery of which is on or after 1 September 2019.

For the purposes of this annex:

44. *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
45. *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.
46. *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070 (28).
47. *Audit Standard* means the Code for Implementation.
48. *Calendar year* means the period from 1 January until 31 December inclusive.
49. *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the *International Management Code for the Safe Operation of Ships and for Pollution Prevention*, as amended.
50. *Distance travelled* means distance travelled over ground.
51. *Electronic Record Book* means a device or system, approved by the Administration, used to electronically record the required entries for discharges, transfers and other operations as required under this Annex in lieu of a hard copy record book.

Regulation 3

Exceptions and exemptions

General

1. Regulations of this Annex 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—
 - (i) provided that 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; and
 - (ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

Trials for ship emission reduction and control technology research

2. The Administration of a Party may, in co-operation with other Administrations as appropriate, issue an exemption from specific provisions of this Annex for a ship to conduct trials for the development of ship emission reduction and control technologies and engine design programmes. Such an exemption shall only be provided if the applications of specific provisions of the Annex or the revised NO_x Technical Code 2008 could impede research into the development of such technologies or programmes. A permit issued under this regulation shall not exempt a ship from the reporting requirement under regulation 22A and shall not alter the type and scope of data required to be reported under regulation 22A. A permit for such an exemption shall only be provided to the minimum number of ships necessary and be subject to the following provisions—

- (a) for marine diesel engines with a per cylinder displacement up to 30 litres, the duration of the sea trial shall not exceed 18 months. If additional time is required, a permitting Administration or Administrations may permit a renewal for one additional 18-month period; or
- (b) for marine diesel engines with a per cylinder displacement at or above 30 litres, the duration of the ship trial shall not exceed 5 years and shall require a progress review by the permitting Administration or Administrations at each intermediate survey. A permit may be withdrawn based on this review if the testing has not adhered to the conditions of the permit or if it is determined that the technology or programme is not likely to produce effective results in the reduction and control of ship emissions. If the reviewing Administration or Administrations determine that additional time is required to conduct a test of a particular technology or programme, a permit may be renewed for an additional time period not to exceed five years.

Emissions from sea-bed mineral activities

- 3.1 Emissions directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources are, consistent with article 2(3)(b)(ii) of the present Convention, exempt from the provisions of this Annex. Such emissions include the following:
- (a) emissions resulting from the incineration of substances that are solely and directly the result of exploration, exploitation and associated offshore processing of sea-bed mineral resources, including but not limited to the flaring of hydrocarbons and the burning of cuttings, muds, and/or stimulation fluids during well completion and testing operations, and flaring arising from upset conditions;
 - (b) the release of gases and volatile compounds entrained in drilling fluids and cuttings;
 - (c) emissions associated solely and directly with the treatment, handling or storage of sea-bed minerals; and
 - (d) emissions from marine diesel engines that are solely dedicated to the exploration, exploitation and associated offshore processing of sea-bed mineral resources.
- 3.2 The requirements of regulation 18 of this Annex shall not apply to the use of hydrocarbons that are produced and subsequently used on site as fuel, when approved by the Administration.

Regulation 4

Equivalents

- 1 The Administration of a Party may allow any fitting, material, appliance or apparatus to be fitted in a ship or other procedures, alternative fuel oils, or compliance methods used as an alternative to that required by this Annex if such fitting, material, appliance or apparatus or other procedures, alternative fuel oils, or compliance methods are at least as effective in terms of emissions reductions as that required by this Annex, including any of the standards set forth in regulations 13 and 14.
2. The Administration of a Party that allows a fitting, material, appliance or apparatus or other procedures, alternative fuel oils, or compliance methods used as an alternative to that required by this Annex shall communicate to the Organization for circulation to the Parties particulars thereof, for their information and appropriate action, if any.
3. The Administration of a Party should take into account any relevant guidelines developed by the Organization pertaining to the equivalents provided for in this regulation.

4. The Administration of a Party that allows the use of an equivalent as set forth in paragraph 1 of this regulation shall endeavour not to impair or damage its environment, human health, property or resources or those of other States.

Chapter 2

Survey, certification and means of control

Regulation 5

Surveys

1. Every ship of 400 gross tonnage and above and every fixed and floating drilling rig and other platforms shall, to ensure compliance with the requirements of chapter 3 of this Annex, be subject to the surveys specified below:
 - (a) An initial survey before the ship is put into service or before the certificate required under regulation 6 of this Annex is issued for the first time. This survey shall be such as to ensure that the equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of chapter 3 of this Annex;
 - (b) A renewal survey at intervals specified by the Administration, but not exceeding five years, except where regulation 9.2, 9.5, 9.6 or 9.7 of this Annex is applicable. The renewal survey shall be such as to ensure that the equipment, systems, fittings, arrangements and material fully comply with applicable requirements of chapter 3 of this Annex;
 - (c) An intermediate survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the certificate which shall take the place of one of the annual surveys specified in paragraph 1.4 of this regulation. The intermediate survey shall be such as to ensure that the equipment and arrangements fully comply with the applicable requirements of chapter 3 of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the IAPP Certificate issued under regulation 6 or 7 of this Annex;
 - (d) An annual survey within three months before or after each anniversary date of the certificate, including a general inspection of the equipment, systems, fittings, arrangements and material referred to in paragraph 1.1 of this regulation to ensure that they have been maintained in accordance with paragraph 5 of this regulation and that they remain satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the IAPP Certificate issued under regulation 6 or 7 of this Annex; and
 - (e) An additional survey either general or partial, according to the circumstances, shall be made whenever any important repairs or renewals are made as prescribed in paragraph 5 of this regulation or after a repair resulting from investigations prescribed in paragraph 6 of this regulation. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of chapter 3 of this Annex.
2. In the case of ships of less than 400 gross tonnage, the Administration may establish appropriate measures in order to ensure that the applicable provisions of chapter 3 of this Annex are complied with.
3. Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration:
 - (a) The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. Such organizations shall comply with the guidelines adopted by the Organization;
 - (b) The survey of marine diesel engines and equipment for compliance with regulation 13 of this Annex shall be conducted in accordance with the revised NO_x Technical Code 2008;

- (c) When a nominated surveyor or recognized organization determines that the condition of the equipment does not correspond substantially with the particulars of the certificate, it shall ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken, the certificate shall be withdrawn by the Administration. If the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation; and
 - (e) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.
- 4. Ships to which chapter 4 of this Annex applies shall also be subject to the surveys specified below, taking into account the guidelines adopted by the Organization:
 - (a) An initial survey before a new ship is put in service and before the International Energy Efficiency Certificate is issued. The survey shall verify that the ship's attained EEDI is in accordance with the requirements in chapter 4 of this Annex, and that the SEEMP required by regulation 22 of this Annex is on board;
 - (b) A general or partial survey, according to the circumstances, after a major conversion of a new ship to which this regulation applies. The survey shall ensure that the attained EEDI is recalculated as necessary and meets the requirement of regulation 21 of this Annex, with the reduction factor applicable to the ship type and size of the converted ship in the phase corresponding to the date of contract or keel laying or delivery determined for the original ship in accordance with regulation 2.23 of this Annex;
 - (c) In cases where the major conversion of a new or existing ship is so extensive that the ship is regarded by the Administration as a newly constructed ship, the Administration shall determine the necessity of an initial survey on attained EEDI. Such a survey, if determined necessary, shall ensure that the attained EEDI is calculated and meets the requirement of regulation 21 of this Annex, with the reduction factor applicable corresponding to the ship type and size of the converted ship at the date of the contract of the conversion, or in the absence of a contract, the commencement date of the conversion. The survey shall also verify that the SEEMP required by regulation 22 of this Annex is on board and for a ship to which regulation 22A applies, has been revised appropriately to reflect a major conversion in those cases where the major conversion affects data collection methodology and/or reporting processes;
 - (d) For existing ships, the verification of the requirement to have a SEEMP on board according to regulation 22 of this Annex shall take place at the first intermediate or renewal survey identified in paragraph 1 of this regulation, whichever is the first, on or after 1 January 2013; and
 - (e) The Administration shall ensure that for each ship to which regulation 22A applies, the SEEMP complies with regulation 22.2 of this Annex. This shall be done prior to collecting data under regulation 22A of this Annex in order to ensure the methodology and processes are in place prior to the beginning of the ship's first reporting period. Confirmation of compliance shall be provided to and retained on board the ship.
- 5. The equipment shall be maintained to be conformity with the provisions of this Annex and no changes shall be made in the equipment, systems, fittings, arrangements or material covered by the survey, without the express approval of the Administration. The direct replacement of such equipment and fittings with equipment and fittings that conform with the provisions of this Annex is permitted.
- 6. Whenever an accident occurs to a ship or a defect is discovered that substantially affects the efficiency or completeness of its equipment covered by this Annex, the master or owner of the ship shall report at the earliest opportunity to the Administration, a nominated surveyor or recognized organization responsible for issuing the relevant certificate.

Regulation 6

Issue or endorsement of Certificates and Statements of Compliance related to fuel oil consumption reporting

International Air Pollution Prevention Certificate

1. An International Air Pollution Prevention Certificate shall be issued, after an initial or renewal survey in accordance with the provisions of regulation 5 of this Annex, to:
 - (a) any ship of 400 gross tonnage and above engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties; and
 - (b) platforms and drilling rigs engaged in voyages to waters under the sovereignty or jurisdiction of other Parties.
2. A ship constructed before the date this Annex enters into force for that particular ship's Administration, shall be issued with an International Air Pollution Prevention Certificate in accordance with paragraph 1 of this regulation no later than the first scheduled dry-docking after the date of such entry into force, but in no case later than three years after this date.
3. Such certificate shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

International Energy Efficiency Certificate

4. An International Energy Efficiency Certificate for the ship shall be issued after a survey in accordance with the provisions of regulation 5.4 of this Annex to any ship of 400 gross tonnage and above before that ship may engage in voyages to ports or offshore terminals under the jurisdiction of other Parties.
5. The certificate shall be issued or endorsed either by the Administration or any organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

Statement of Compliance —Fuel Oil Consumption Reporting

6. Upon receipt of reported data pursuant to regulation 22A.3 of this Annex, the Administration or any organization duly authorized by it* shall determine whether the data has been reported in accordance with regulation 22A of this Annex and, if so, issue a Statement of Compliance related to fuel oil consumption to the ship no later than five months from the beginning of the calendar year. In every case, the Administration assumes full responsibility for this Statement of Compliance.
7. Upon receipt of reported data pursuant to regulations 22A.4, 22A.5 or 22A.6 of this Annex, the Administration or any organization duly authorized by it shall promptly determine whether the data has been reported in accordance with regulation 22A and, if so, issue a Statement of Compliance related to fuel oil consumption to the ship at that time. In every case, the Administration assumes full responsibility for this Statement of Compliance.

Regulation 7

Issue of a Certificate by another Party

1. A Party may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the applicable provisions of this Annex are complied with, shall issue or authorize the issuance of an International Air Pollution Prevention Certificate or an International Energy Efficiency Certificate to the ship, and where appropriate, endorse or authorize the endorsement of such certificates on the ship, in accordance with this Annex.

2. A copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.
3. A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a certificate issued under regulation 6 of this Annex.
4. No International Air Pollution Prevention Certificate or International Energy Efficiency Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

Regulation 8

Form of Certificates and Statements of Compliance related to fuel oil consumption reporting

International Air Pollution Prevention Certificate

1. The International Air Pollution Prevention Certificate shall be drawn up in a form corresponding to the model given in appendix I to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

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International Energy Efficiency Certificate

2. The International Energy Efficiency Certificate shall be drawn up in a form corresponding to the model given in appendix VIII to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing Party is also used, this shall prevail in case of a dispute or discrepancy.

Statement of Compliance —Fuel Oil Consumption Reporting

3. The Statement of Compliance pursuant to regulations 6.6 and 6.7 of this Annex shall be drawn up in a form corresponding to the model given in appendix X to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing Party is also used, this shall prevail in case of a dispute or discrepancy.

Regulation 9

Duration and validity of Certificates and Statements of Compliance related to fuel oil consumption reporting

International Air Pollution Prevention Certificate

1. An International Air Pollution Prevention Certificate shall be issued for a period specified by the Administration, which shall not exceed five years.
2. Notwithstanding the requirements of paragraph 1 of this regulation:
 - (a) when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate;
 - (b) when the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate; and
 - (c) when the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

3. If a certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph 1 of this regulation, provided that the surveys referred to in regulations 5.1.3 and 5.1.4 of this Annex applicable when a certificate is issued for a period of five years are carried out as appropriate.
4. If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the person or organization authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period that shall not exceed five months from the expiry date.
5. If a ship, at the time when a certificate expires, is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate, but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.
6. A certificate issued to a ship engaged on short voyages that has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.
7. In special circumstances, as determined by the Administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by paragraph 2.1, 5 or 6 of this regulation. In these special circumstances, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.
8. If an annual or intermediate survey is completed before the period specified in regulation 5 of this Annex, then—
 - (a) the anniversary date shown on the certificate shall be amended by endorsement to a date that shall not be more than three months later than the date on which the survey was completed;
 - (b) the subsequent annual or intermediate survey required by regulation 5 of this Annex shall be completed at the intervals prescribed by that regulation using the new anniversary date; and
 - (c) the expiry date may remain unchanged, provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 5 of this Annex are not exceeded.
9. A certificate issued under regulation 6 or 7 of this Annex shall cease to be valid in any of the following cases—
 - (a) if the relevant surveys are not completed within the periods specified under regulation 5.1 of this Annex;
 - (b) if the certificate is not endorsed in accordance with regulation 5.1.3 or 5.1.4 of this Annex; and
 - (c) upon transfer of the ship to the flag of another State. A new certificate shall only be issued when the Government issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of regulation 5.4 of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall, as soon as possible,

transmit to the Administration copies of the certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports.

International Energy Efficiency Certificate

10. The International Energy Efficiency Certificate shall be valid throughout the life of the ship subject to the provisions of paragraph 11 below.
11. An International Energy Efficiency Certificate issued under this Annex 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; or
 - (b) upon transfer of the ship to the flag of another State. A new certificate shall only be issued when the Government issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of chapter 4 of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports.

Statement of Compliance —Fuel Oil Consumption Reporting

12. The Statement of Compliance pursuant to regulation 6.6 of this Annex shall be valid for the calendar year in which it is issued and for the first five months of the following calendar year. The Statement of Compliance pursuant to regulation 6.7 of this Annex shall be valid for the calendar year in which it is issued, for the following calendar year, and for the first five months of the subsequent calendar year. All Statements of Compliance shall be kept on board for at least the period of their validity.

Regulation 10

Port State control on operational requirements

1. A ship, when in a port or an offshore terminal under the jurisdiction of another Party, is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of air pollution from ships.
2. In the circumstances given in paragraph 1 of this regulation, the Party shall take such steps as to ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.
3. Procedures relating to the port State control prescribed in article 5 of the present Convention shall apply to this regulation.
4. Nothing in this regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention.
5. In relation to chapter 4 of this Annex, any port State inspection shall be limited to verifying, when appropriate, that there is a valid Statement of Compliance related to fuel oil consumption reporting and International Energy Efficiency Certificate on board, in accordance with article 5 of the Convention.

Regulation 11

Detection of violations and enforcement

1. Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Annex, using all appropriate and practicable measures of

detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

2. A ship to which this Annex applies may, in any port or offshore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has emitted any of the substances covered by this Annex in violation of the provision of this Annex. If an inspection indicates a violation of this Annex, a report shall be forwarded to the Administration for any appropriate action.
3. Any Party shall furnish to the Administration evidence, if any, that the ship has emitted any of the substances covered by this Annex in violation of the provisions of this Annex. If it is practicable to do so, the competent authority of the former Party shall notify the master of the ship of the alleged violation.
4. Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party that has reported the alleged violation, as well as the Organization, of the action taken.
5. A Party may also inspect a ship to which this Annex applies when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has emitted any of the substances covered by the Annex in any place in violation of this Annex. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.
6. The international law concerning the prevention, reduction and control of pollution of the marine environment from ships, including that law relating to enforcement and safeguards, in force at the time of application or interpretation of this Annex, applies, *mutatis mutandis*, to the rules and standards set forth in this Annex.

Chapter 3

Requirements for control of emissions from ships

Regulation 12

Ozone-depleting substances

1. This regulation does not apply to permanently sealed equipment where there are no refrigerant charging connections or potentially removable components containing ozone-depleting substances.
2. Subject to the provisions of regulation 3.1, any deliberate emissions of ozone-depleting substances shall be prohibited. Deliberate emissions include emissions occurring in the course of maintaining, servicing, repairing or disposing of systems or equipment, except that deliberate emissions do not include minimal releases associated with the recapture or recycling of an ozone-depleting substance. Emissions arising from leaks of an ozone-depleting substance, whether or not the leaks are deliberate, may be regulated by Parties.
- 3.1 Installations that contain ozone-depleting substances, other than hydrochlorofluorocarbons, shall be prohibited—
 - (a) on ships constructed on or after 19 May 2005; or
 - (b) in the case of ships constructed before 19 May 2005, which have a contractual delivery date of the equipment to the ship on or after 19 May 2005 or, in the absence of a contractual delivery date, the actual delivery of the equipment to the ship on or after 19 May 2005.

- 3.2 Installations that contain hydrochlorofluorocarbons shall be prohibited—
- (a) on ships constructed on or after 1 January 2020; or
 - (b) in the case of ships constructed before 1 January 2020, which have a contractual delivery date of the equipment to the ship on or after 1 January 2020 or, in the absence of a contractual delivery date, the actual delivery of the equipment to the ship on or after 1 January 2020.
4. The substances referred to in this regulation, and equipment containing such substances, shall be delivered to appropriate reception facilities when removed from ships.
5. Each ship subject to regulation 6.1 shall maintain a list of equipment containing ozone-depleting substances.
6. Each ship subject to regulation 6.1 that has rechargeable systems that contain ozone-depleting substances shall maintain an *ozone-depleting substances record book*. This record book may form part of an existing logbook or electronic recording system as approved by the Administration.

[MEPC. 316(74) (*Amended regulation 12.6 is expected to enter into force on 1 October 2020.*)]

7. Each ship subject to regulation 6.1 that has rechargeable systems that contain ozone-depleting substances shall maintain an *ozone-depleting substances record book*. This record book may form part of an existing logbook or electronic record book as approved by the Administration. An electronic recording system referred to in regulation 12.6, as adopted by resolution MEPC.176(58), shall be considered an electronic record book, provided the electronic recording system is approved by the Administration on or before the first scheduled IAPP renewal survey on or after 1 October 2020, but not later than 1 October 2025, taking into account the Guidelines developed by the Organization.
8. Entries in the ozone-depleting substances record book shall be recorded in terms of mass (*kg*) of substance and shall be completed without delay on each occasion, in respect of the following:
- (a) recharge, full or partial, of equipment containing ozone- depleting substances;
 - (b) repair or maintenance of equipment containing ozone- depleting substances;
 - (c) discharge of ozone-depleting substances to the atmosphere—
 - (i) deliberate; and
 - (ii) non-deliberate;
 - (e) discharge of ozone-depleting substances to land-based reception facilities; and
 - (f) supply of ozone-depleting substances to the ship.

Regulation 13

Nitrogen oxides (NO_x)

Application

- 1.1 This regulation shall apply to—
- (a) each marine diesel engine with a power output of more than 130 kW installed on a ship; and
 - (b) each marine diesel engine with a power output of more than 130 kW that undergoes a major conversion on or after 1 January 2000 except when demonstrated to the satisfaction of the Administration that such engine is an identical replacement to the engine that it is replacing and is otherwise not covered under paragraph 1.1.1 of this regulation.
- 1.2 This regulation does not apply to—

- (a) a marine diesel engine intended to be used solely for emergencies, or solely to power any device or equipment intended to be used solely for emergencies on the ship on which it is installed, or a marine diesel engine installed in lifeboats intended to be used solely for emergencies; and
- (b) a marine diesel engine installed on a ship 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 engine is subject to an alternative NO_x control measure established by the Administration.

1.3 Notwithstanding the provisions of paragraph 1.1 of this regulation, the Administration may provide an exclusion from the application of this regulation for any marine diesel engine that is installed on a ship constructed, or for any marine diesel engine that undergoes a major conversion, before 19 May 2005, provided that the ship on which the engine is installed is solely engaged in voyages to ports or offshore terminals within the State the flag of which the ship is entitled to fly.

Major conversion

- 2.1 For the purpose of this regulation, *major conversion* means a modification on or after 1 January 2000 of a marine diesel engine that has not already been certified to the standards set forth in paragraph 3, 4, or 5.1.1 of this regulation where—
- (a) the engine is replaced by a marine diesel engine or an additional marine diesel engine is installed, or
 - (b) any substantial modification, as defined in the revised NO_x Technical Code 2008, is made to the engine, or
 - (c) the maximum continuous rating of the engine is increased by more than 10% compared to the maximum continuous rating of the original certification of the engine.
- 2.2 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. 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 guidelines developed by the Organization.
- 2.3 A marine diesel engine referred to in paragraph 2.1.2 or 2.1.3 of this regulation shall meet the following standards—
- (a) for ships constructed prior to 1 January 2000, the standards set forth in paragraph 3 of this regulation shall apply; and
 - (b) for ships constructed on or after 1 January 2000, the standards in force at the time the ship was constructed shall apply.

Tier I

3. Subject to regulation 3 of this Annex, the operation of a marine diesel engine that is installed on a ship constructed on or after 1 January 2000 and prior to 1 January 2011 is prohibited, except when the emission of nitrogen oxides (calculated as the total weighted emission of NO₂) from the engine is within the following limits, where n = rated engine speed (crankshaft revolutions per minute):
- (a) 17.0 g/kWh when n is less than 130 rpm;
 - (b) $45 n^{(-0.2)}$ g/kWh when n is 130 or more but less than 2,000 rpm;
 - (c) 9.8 g/kWh when n is 2,000 rpm or more.

Tier II

4. Subject to regulation 3 of this Annex, the operation of a marine diesel engine that is installed on a ship constructed on or after 1 January 2011 is prohibited, except when the emission of nitrogen oxides (calculated as the total weighted emission of NO₂) from the engine is within the following limits, where n = rated engine speed (crankshaft revolutions per minute):

- (a) 14.4 g/kWh when n is less than 130 rpm;
- (b) $44 n^{(-0.23)}$ g/kWh when n is 130 or more but less than 2,000 rpm;
- (c) 7.7 g/kWh when n is 2,000 rpm or more.

Tier III

- 5.1 Subject to regulation 3 of this Annex, in an emission control area designated for Tier III NO_x control under paragraph 6 of this regulation (NO_x Tier III emission control area), the operation of a marine diesel engine that is installed on a ship—
- (a) is prohibited except when the emission of nitrogen oxides (calculated as the total weighted emission of NO₂) from the engine is within the following limits, where n = rated engine speed (crankshaft revolutions per minute):
 - (i) 3.4 g/kWh when n is less than 130 rpm;
 - (ii) $9 n^{(-0.2)}$ g/kWh when n is 130 or more but less than 2,000 rpm; and
 - (iii) 2.0 g/kWh when n is 2,000 rpm or more;
 - (b) that ship is constructed on or after:
 - (i) 1 January 2016 and is operating in the North American Emission Control Area or the United States Caribbean Sea Emission Control Area; and
 - (ii) 1 January 2021 and is operating in the Baltic Sea Emission Control Area or the North Sea Emission Control Area.
 - (c) that ship is operating in a NO_x Tier III emission control area, other than an emission control area described in paragraph 5.1.2 of this regulation, and is constructed on or after the date of adoption of such an emission control area, or a later date as may be specified in the amendment designating the NO_x Tier III emission control area, whichever is later.
- 5.2 The standards set forth in paragraph 5.1.1 of this regulation shall not apply to:
- (a) a marine diesel engine installed on a ship with a length (l), as defined in regulation 1.19 of Annex I to the present Convention, of less than 24 metres when it has been specifically designed, and is used solely, for recreational purposes; or
 - (b) a marine diesel engine installed on a ship with a combined nameplate diesel engine propulsion power of less than 750 kW if it is demonstrated, to the satisfaction of the Administration, that the ship cannot comply with the standards set forth in paragraph 5.1.1 of this regulation because of design or construction limitations of the ship; or
 - (c) a marine diesel engine installed on a ship constructed prior to 1 January 2021 of less than 500 gross tonnage, with a length (l), as defined in regulation 1.19 of Annex I to the present Convention, of 24 metres or over when it has been specifically designed, and is used solely, for recreational purposes.
- 5.3 The tier and on/off status of marine diesel engines installed on board a ship to which paragraph 5.1 of this regulation applies which are certified to both Tier II and Tier III or which are certified to Tier II only shall be recorded in such logbook or electronic record book as prescribed by the Administration at entry into and exit from a NO_x Tier III emission control area, or when the on/off status changes within such an area, together with the date, time and position of the ship.
- 5.4 Emissions of nitrogen oxides from a marine diesel engine subject to paragraph 5.1 of this regulation that occur immediately following building and sea trials of a newly constructed ship, or before and following converting, repairing, and/or maintaining the ship, or maintenance or repair of a Tier II engine or a dual fuel engine when the ship is required to not have gas fuel or gas cargo on board due to safety requirements, for which activities take place in a shipyard or other repair facility located in a NO_x Tier III emission control area are temporarily exempted provided the following conditions are met—
- (a) the engine meets the Tier II NO_x limits; and
 - (b) the ship sails directly to or from the shipyard or other repair facility, does not load or unload cargo during the duration of the exemption, and follows any additional specific routing requirements indicated by the port State in which the shipyard or other repair facility is located, if applicable.

- 5.5 The exemption described in paragraph 5.4 of this regulation applies only for the following period:
- (a) for a newly constructed ship, the period beginning at the time the ship is delivered from the shipyard, including sea trials, and ending at the time the ship directly exits the NO_x Tier III emission control area(s) or, with regard to a ship fitted with a dual fuel engine, the ship directly exits the NO_x Tier III emission control area(s) or proceeds directly to the nearest gas fuel bunkering facility appropriate to the ship located in the NO_x Tier III emission control area(s);
 - (b) for a ship with a Tier II engine undergoing conversion, maintenance or repair, the period beginning at the time the ship enters the NO_x Tier III emission control area(s) and proceeds directly to the shipyard or other repair facility, and ending at the time the ship is released from the shipyard or other repair facility and directly exits the NO_x Tier III emission control area(s) after performing sea trials, if applicable; or
 - (c) for a ship with a dual fuel engine undergoing conversion, maintenance or repair, when the ship is required to not have gas fuel or gas cargo on board due to safety requirements, the period beginning at the time the ship enters the NO_x Tier III emission control area(s) or when it is degassed in the NO_x Tier III emission control area(s) and proceeds directly to the shipyard or other repair facility, and ending at the time when the ship is released from the shipyard or other repair facility and directly exits the NO_x Tier III emission control area(s) or proceeds directly to the nearest gas fuel bunkering facility appropriate to the ship located in the NO_x Tier III emission control area(s).

Emission control area

6. For the purpose of this regulation, a NO_x Tier III emission control area shall be any sea area, including any port area, designated by the Organization in accordance with the criteria and procedures set forth in appendix III to this Annex. The NO_x Tier III emission control areas are:
- (a) the North American Emission Control Area, which means the area described by the coordinates provided in appendix VII to this Annex;
 - (b) the United States Caribbean Sea Emission Control Area, which means the area described by the coordinates provided in appendix VII to this Annex;
 - (c) the Baltic Sea Emission Control Area as defined in regulation 1.11.2 of Annex I; and
 - (d) the North Sea Emission Control Area as defined in regulation 1.14.6 of Annex V.

Marine diesel engines installed on a ship constructed prior to 1 January 2000

- 7.1 Notwithstanding paragraph 1.1.1 of this regulation, a marine diesel engine with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000 shall comply with the emission limits set forth in paragraph 7.4 of this regulation, provided that an approved method for that engine has been certified by an Administration of a Party and notification of such certification has been submitted to the Organization by the certifying Administration. Compliance with this paragraph shall be demonstrated through one of the following—
- (a) installation of the certified approved method, as confirmed by a survey using the verification procedure specified in the approved method file, including appropriate notation on the ship's International Air Pollution Prevention Certificate of the presence of the approved method; or
 - (b) certification of the engine confirming that it operates within the limits set forth in paragraph 3, 4, or 5.1.1 of this regulation and an appropriate notation of the engine certification on the ship's International Air Pollution Prevention Certificate.
- 7.2 Paragraph 7.1 of this regulation shall apply no later than the first renewal survey that occurs 12 months or more after deposit of the notification in paragraph 7.1. If a shipowner of a ship on which an approved method is to be installed can demonstrate to the satisfaction of the Administration that the approved method was

not commercially available despite best efforts to obtain it, then that approved method shall be installed on the ship no later than the next annual survey of that ship that falls after the approved method is commercially available.

- 7.3 With regard to a marine diesel engine with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres installed on a ship constructed on or after 1 January 1990, but prior to 1 January 2000, the International Air Pollution Prevention Certificate shall, for a marine diesel engine to which paragraph 7.1 of this regulation applies, indicate one of the following—
- an approved method has been applied pursuant to paragraph 7.1.1 of this regulation;
 - the engine has been certified pursuant to paragraph 7.1.2 of this regulation;
 - an approved method is not yet commercially available as described in paragraph 7.2 of this regulation; or
 - an approved method is not applicable.
- 7.4 Subject to regulation 3 of this Annex, the operation of a marine diesel engine described in paragraph 7.1 of this regulation is prohibited, except when the emission of nitrogen oxides (calculated as the total weighted emission of NO₂) from the engine is within the following limits, where n = rated engine speed (crankshaft revolutions per minute):
- 17.0 g/kWh when n is less than 130 rpm;
 - $45 n^{(-0.2)}$ g/kWh when n is 130 or more but less than 2,000 rpm; and
 - 9.8 g/kWh when n is 2,000 rpm or more.
- 7.5 Certification of an approved method shall be in accordance with chapter 7 of the revised NO_x Technical Code 2008 and shall include verification—
- by the designer of the base marine diesel engine to which the approved method applies that the calculated effect of the approved method will not decrease engine rating by more than 1.0%, increase fuel consumption by more than 2.0% as measured according to the appropriate test cycle set forth in the revised NO_x Technical Code 2008, or adversely affect engine durability or reliability; and
 - that the cost of the approved method is not excessive, which is determined by a comparison of the amount of NO_x reduced by the approved method to achieve the standard set forth in paragraph 7.4 of this regulation and the cost of purchasing and installing such approved method.

Certification

- The revised NO_x Technical Code 2008 shall be applied in the certification, testing and measurement procedures for the standards set forth in this regulation.
- The procedures for determining NO_x emissions set out in the revised NO_x Technical Code 2008 are intended to be representative of the normal operation of the engine. Defeat devices and irrational emission control strategies undermine this intention and shall not be allowed. This regulation shall not prevent the use of auxiliary control devices that are used to protect the engine and/or its ancillary equipment against operating conditions that could result in damage or failure or that are used to facilitate the starting of the engine.

Regulation 14

Sulphur oxides (SO_x) and particulate matter

General requirements

- The sulphur content of fuel oil used or carried for use on board a ship shall not exceed 0.50% m/m.
- The worldwide average sulphur content of residual fuel oil supplied for use on board ships shall be monitored taking into account guidelines developed by the Organization.

Requirements within emission control areas

3. For the purpose of this regulation, an emission control area shall be any sea area, including any port area, designated by the Organization in accordance with the criteria and procedures set forth in appendix III to this Annex. The emission control areas under this regulation are—
 - (a) the Baltic Sea area as defined in regulation 1.11.2 of Annex I of the present Convention;
 - (b) the North Sea area as defined in regulation 1.14.6 of Annex V of the present Convention;
 - (c) the North American Emission Control Area, which means the area described by the coordinates provided in appendix VII to this Annex; and
 - (d) the United States Caribbean Sea Emission Control Area, which means the area described by the coordinates provided in appendix VII to this Annex.
4. While a ship is operating within an emission control area, the sulphur content of fuel oil used on board that ship shall not exceed 0.10% m/m.
5. The sulphur content of fuel oil referred to in paragraph 1 and paragraph 4 of this regulation shall be documented by its supplier as required by regulation 18 of this Annex.
6. Those ships using separate fuel oils to comply with paragraph 4 of this regulation and entering or leaving an emission control area set forth in paragraph 3 of this regulation shall carry a written procedure showing how the fuel oil changeover is to be done, allowing sufficient time for the fuel oil service system to be fully flushed of all fuel oils exceeding the applicable sulphur content specified in paragraph 4 of this regulation prior to entry into an emission control area. The volume of low sulphur fuel oils in each tank as well as the date, time and position of the ship when any fuel oil changeover operation is completed prior to the entry into an emission control area or commenced after exit from such an area shall be recorded in such logbook or electronic record book as prescribed by the Administration.
7. During the first twelve months immediately following entry into force of an amendment designating a specific emission control area under paragraph 3 of this regulation, ships operating in that emission control area are exempt from the requirements in paragraphs 4 and 6 of this regulation and from the requirements of paragraph 5 of this regulation insofar as they relate to paragraph 4 of this regulation.

Regulation 15

Volatile organic compounds (VOCs)

1. If the emissions of VOCs from a tanker are to be regulated in a port or ports or a terminal or terminals under the jurisdiction of a Party, they shall be regulated in accordance with the provisions of this regulation.
2. A Party regulating tankers for VOC emissions shall submit a notification to the Organization. This notification shall include information on the size of tankers to be controlled, the cargoes requiring vapour emission control systems and the effective date of such control. The notification shall be submitted at least six months before the effective date.
3. A Party that designates ports or terminals at which VOC emissions from tankers are to be regulated shall ensure that vapour emission control systems, approved by that Party taking into account the safety standards for such systems developed by the Organization, are provided in any designated port and terminal and are operated safely and in a manner so as to avoid undue delay to a ship.
4. The Organization shall circulate a list of the ports and terminals designated by Parties to other Parties and Member States of the Organization for their information.

5. A tanker to which paragraph 1 of this regulation applies shall be provided with a vapour emission collection system approved by the Administration taking into account the safety standards for such systems developed by the Organization*², and shall use this system during the loading of relevant cargoes. A port or terminal that has installed vapour emission control systems in accordance with this regulation may accept tankers that are not fitted with vapour collection systems for a period of three years after the effective date identified in paragraph 2 of this regulation.
6. A tanker carrying crude oil shall have on board and implement a VOC management plan approved by the Administration. Such a plan shall be prepared taking into account the guidelines developed by the Organization. The plan shall be specific to each ship and shall at least—
 - (a) provide written procedures for minimizing VOC emissions during the loading, sea passage and discharge of cargo;
 - (b) give consideration to the additional VOC generated by crude oil washing;
 - (c) identify a person responsible for implementing the plan; and
 - (d) for ships on international voyages, be written in the working language of the master and officers and, if the working language of the master and officers is not English, French or Spanish, include a translation into one of these languages.
7. This regulation shall also apply to gas carriers only if the types of loading and containment systems allow safe retention of non-methane VOCs on board or their safe return ashore.

Regulation 16

Shipboard incineration

1. Except as provided in paragraph 4 of this regulation, shipboard incineration shall be allowed only in a shipboard incinerator.
2. Shipboard incineration of the following substances shall be prohibited:
 - (a) residues of cargoes subject to Annex I, II or III or related contaminated packing materials;
 - (b) polychlorinated biphenyls (PCBs);
 - (c) garbage, as defined by Annex V, containing more than traces of heavy metals;
 - (d) refined petroleum products containing halogen compounds;
 - (e) sewage sludge and sludge oil either of which is not generated on board the ship; and
 - (f) exhaust gas cleaning system residues.
3. Shipboard incineration of polyvinyl chlorides (PVCs) shall be prohibited, except in shipboard incinerators for which IMO Type Approval Certificates have been issued.
4. Shipboard incineration of sewage sludge and sludge oil generated during normal operation of a ship may also take place in the main or auxiliary power plant or boilers, but in those cases, shall not take place inside ports, harbours and estuaries.
5. Nothing in this regulation neither:
 - (a) affects the prohibition in, or other requirements of, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended, and the 1996 Protocol thereto, nor
 - (b) precludes the development, installation and operation of alternative design shipboard thermal waste treatment devices that meet or exceed the requirements of this regulation.
- 6.1 Except as provided in paragraph 6.2 of this regulation, each incinerator on a ship constructed on or after 1 January 2000 or incinerator that is installed on board a ship on or after 1 January 2000 shall meet the requirements contained in appendix IV to this Annex. Each incinerator subject to this paragraph shall be approved by

the Administration taking into account the standard specification for shipboard incinerators developed by the Organization; or

- 6.2 The Administration may allow exclusion from the application of paragraph 6.1 of this regulation to any incinerator installed on board a ship before 19 May 2005, provided that the ship is 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.
7. Incinerators installed in accordance with the requirements of paragraph 6.1 of this regulation shall be provided with a manufacturer's operating manual, which is to be retained with the unit and which shall specify how to operate the incinerator within the limits described in paragraph 2 of appendix IV of this Annex.
8. Personnel responsible for the operation of an incinerator installed in accordance with the requirements of paragraph 6.1 of this regulation shall be trained to implement the guidance provided in the manufacturer's operating manual as required by paragraph 7 of this regulation.
9. For incinerators installed in accordance with the requirements of paragraph 6.1 of this regulation the combustion chamber gas outlet temperature shall be monitored at all times the unit is in operation. Where that incinerator is of the continuous-feed type, waste shall not be fed into the unit when the combustion chamber gas outlet temperature is below 850°C. Where that incinerator is of the batch-loaded type, the unit shall be designed so that the combustion chamber gas outlet temperature shall reach 600°C within five minutes after start-up and will thereafter stabilize at a temperature not less than 850°C.

Regulation 17

Reception facilities

1. Each Party undertakes to ensure the provision of facilities adequate to meet the: using its repair ports for the reception of ozone-depleting's
 - (a) needs of ships substances and equipment containing such substances when removed from ships;
 - (b) needs of ships using its ports, terminals or repair ports for the reception of exhaust gas cleaning residues from an exhaust gas cleaning system; without causing undue delay to ships, and
 - (c) needs in ship-breaking facilities for the reception of ozone-depleting substances and equipment containing such substances when removed from ships.
2. Small Island Developing States may satisfy the requirements in paragraph 1 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

The Government of each Party participating in the arrangement shall consult with the Organization for circulation to the Parties of the present Convention:

- (a) how the Regional Reception Facilities Plan takes into account the Guidelines;
 - (b) particulars of the identified Regional Ships Waste Reception Centres; and
 - (c) particulars of those ports with only limited facilities.
3. If a particular port or terminal of a Party is —taking into account the guidelines to be developed by the Organization —remotely located from, or lacking in, the industrial infrastructure necessary to manage and process those substances referred to in paragraph 1 of this regulation and therefore cannot accept such substances, then the Party shall inform the Organization of any such port or terminal so that this information may be circulated to all Parties and Member States of the Organization for their information and any appropriate action. Each Party that has provided the Organization with such information shall also notify the Organization of its ports

and terminals where reception facilities are available to manage and process such substances.

4. Each Party shall notify the Organization for transmission to the Members of the Organization of all cases where the facilities provided under this regulation are unavailable or alleged to be inadequate.

Regulation 18

Fuel oil availability and quality

Fuel oil availability

1. Each Party 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.
- 2.1 If a ship is found by a Party not to be in compliance with the standards for compliant fuel oils set forth in this Annex, the competent authority of the Party is entitled to require the ship to—
 - (a) present a record of the actions taken to attempt to achieve compliance; and
 - (b) provide evidence that it attempted to purchase compliant fuel oil in accordance with its voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.
- 2.2 The ship should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.
- 2.3 If a ship provides the information set forth in paragraph 2.1 of this regulation, a Party shall take into account all relevant circumstances and the evidence presented to determine the appropriate action to take, including not taking control measures.
- 2.4 A ship shall notify its Administration and the competent authority of the relevant port of destination when it cannot purchase compliant fuel oil.
- 2.5 A Party shall notify the Organization when a ship has presented evidence of the non-availability of compliant fuel oil.

Fuel oil quality

3. Fuel oil for combustion purposes delivered to and used on board ships to which this Annex applies shall meet the following requirements—
 - (a) except as provided in paragraph 3.2 of this regulation—
 - (i) the fuel oil shall be blends of hydrocarbons derived from petroleum refining. This shall not preclude the incorporation of small amounts of additives intended to improve some aspects of performance;
 - (ii) the fuel oil shall be free from inorganic acid; and
 - (iii) the fuel oil shall not include any added substance or chemical waste that—
 - (aa) jeopardizes the safety of ships or adversely affects the performance of the machinery, or
 - (bb) is harmful to personnel, or
 - (cc) contributes overall to additional air pollution.
 - (b) fuel oil for combustion purposes derived by methods other than petroleum refining shall not—
 - (i) exceed the applicable sulphur content set forth in regulation 14 of this Annex;
 - (ii) cause an engine to exceed the applicable NO_x emission limit set forth in paragraphs 3, 4, 5.1.1 and 7.4 of regulation 13;
 - (iii) contain inorganic acid; or

- (iv) jeopardize the safety of ships or adversely affect the performance of the machinery, or
 - (v) be harmful to personnel, or
 - (vi) contribute overall to additional air pollution.
4. This regulation does not apply to coal in its solid form or nuclear fuels. Paragraphs 5, 6, 7.1, 7.2, 8.1, 8.2, 9.2, 9.3, and 9.4 of this regulation do not apply to gas fuels such as liquified natural gas, compressed natural gas or liquified petroleum gas. The sulphur content of gas fuels delivered to a ship specifically for combustion purposes on board that ship shall be documented by the supplier.
 5. For each ship subject to regulations 5 and 6 of this Annex, details of fuel oil for combustion purposes delivered to and used on board shall be recorded by means of a bunker delivery note that shall contain at least the information specified in appendix V to this Annex.
 6. The bunker delivery note shall be kept 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.
 - 7.1 The competent authority of a Party may inspect the bunker delivery notes on board any ship to which this Annex applies while the ship is in its port or offshore terminal, may make a copy of each delivery note, and may require the master or person in charge of the ship to certify that each copy is a true copy of such bunker delivery note. The competent authority may also verify the contents of each note through consultations with the port where the note was issued.
 - 7.2 The inspection of the bunker delivery notes and the taking of certified copies by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.
 - 8.1 The bunker delivery note shall be accompanied by a representative sample of the fuel oil delivered taking into account guidelines developed by the Organization. The sample is to be sealed and signed by the supplier's representative and the master or officer in charge of the bunker operation on completion of bunkering operations and retained under the ship's control until the fuel oil is substantially consumed, but in any case for a period of not less than 12 months from the time of delivery.
 - 8.2 If an Administration requires the representative sample to be analysed, it shall be done in accordance with the verification procedure set forth in appendix VI to determine whether the fuel oil meets the requirements of this Annex.
 9. Parties undertake to ensure that appropriate authorities designated by them:
 - (a) maintain a register of local suppliers of fuel oil;
 - (b) require local suppliers to provide the bunker delivery note and sample as required by this regulation, certified by the fuel oil supplier that the fuel oil meets the requirements of regulations 14 and 18 of this Annex;
 - (c) require local suppliers to retain a copy of the bunker delivery note for at least three years for inspection and verification by the port State as necessary;
 - (d) take action as appropriate against fuel oil suppliers that have been found to deliver fuel oil that does not comply with that stated on the bunker delivery note;
 - (e) inform the Administration of any ship receiving fuel oil found to be non-compliant with the requirements of regulation 14 or 18 of this Annex; and
 - (f) inform the Organization for transmission to Parties and Member States of the Organization of all cases where fuel oil suppliers have failed to meet the requirements specified in regulations 14 or 18 of this Annex.
 10. In connection with port State inspections carried out by Parties, the Parties further undertake to—

- (a) inform the Party or non-Party under whose jurisdiction a bunker delivery note was issued of cases of delivery of non-compliant fuel oil, giving all relevant information; and
 - (b) ensure that remedial action as appropriate is taken to bring non-compliant fuel oil discovered into compliance.
11. For every ship of 400 gross tonnage and above on scheduled services with frequent and regular port calls, an Administration may decide after application and consultation with affected States that compliance with paragraph 6 of this regulation may be documented in an alternative manner that gives similar certainty of compliance with regulations 14 and 18 of this Annex.

Chapter 4

Regulations on energy efficiency for ships

Regulation 19

Application

1. This chapter shall apply to all ships of 400 gross tonnage and above.
2. The provisions of this chapter shall not apply to:
 - (a) 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. However, each Party should ensure, by the adoption of appropriate measures, that such ships are constructed and act in a manner consistent with the requirements of chapter 4 of this Annex, so far as is reasonable and practicable.
 - (b) ships not propelled by mechanical means, and platforms including FPSOs and FSUs and drilling rigs, regardless of their propulsion.
3. Regulations 20 and 21 of this Annex shall not apply to ships which have non-conventional propulsion, except that regulations 20 and 21 shall apply to cruise passenger ships having non-conventional propulsion and LNG carriers having conventional or non-conventional propulsion, delivered on or after 1 September 2019, as defined in paragraph 43 of regulation 2. Regulations 20 and 21 shall not apply to category A ships as defined in the Polar Code.
4. Notwithstanding the provisions of paragraph 1 of this regulation, the Administration may waive the requirement for a ship of 400 gross tonnage and above from complying with regulations 20 and 21 of this Annex.
5. The provision of paragraph 4 of this regulation shall not apply to ships of 400 gross tonnage and above—
 - (a) for which the building contract is placed on or after 1 January 2017; or
 - (b) 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 July 2017; or
 - (c) the delivery of which is on or after 1 July 2019; or
 - (d) in cases of a major conversion of a new or existing ship, as defined in regulation 2.24 of this Annex, on or after 1 January 2017, and in which regulations 5.4.2 and 5.4.3 of this Annex apply.
6. The Administration of a Party to the present Convention which allows application of paragraph 4, or suspends, withdraws or declines the application of that paragraph, to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Protocol particulars thereof, for their information.

Regulation 20

Attained Energy Efficiency Design Index (Attained EEDI)

1. The attained EEDI shall be calculated for—
 - (a) each new ship;

- (b) each new ship which has undergone a major conversion; and
(c) 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 2.25 to 2.35, 2.38 and 2.39 of this Annex. The attained EEDI shall be specific to each ship and shall indicate the estimated performance of the ship in terms of energy efficiency, and be accompanied by the EEDI technical file that contains the information necessary for the calculation of the attained EEDI and that shows the process of calculation. The attained EEDI shall be verified, based on the EEDI technical file, either by the Administration or by any organization duly authorized by it.

2. The attained EEDI shall be calculated taking into account the guidelines developed by the Organization.

Regulation 21

Required EEDI

1. For each—
- (a) new ship;
(b) new ship which has undergone a major conversion; and
(c) 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 of the categories defined in regulations 2.25 to 2.31, 2.33 to 2.35, 2.38 and 2.39 and to which this chapter is applicable, the attained EEDI shall be as follows:
- $\text{Attained EEDI} \leq \text{Required EEDI} = (1-X/100) \times \text{reference line value}$ where X is the reduction factor specified in Table 1 for the required EEDI compared to the EEDI reference line.
2. For each new and existing ship that has undergone a major conversion which is so extensive that the ship is regarded by the Administration as a newly constructed ship, the attained EEDI shall be calculated and meet the requirement of paragraph 21.1 with the reduction factor applicable corresponding to the ship type and size of the converted ship at the date of the contract of the conversion, or in the absence of a contract, the commencement date of the conversion.

Table 1

Reduction factors (in percentage) for the EEDI relative to the EEDI reference line

Ship Type	Size	Phase 0 1 Jan 2013– 31 Dec 2014	Phase 1 1 Jan 2015– 31 Dec 2019	Phase 2 1 Jan 2020– 31 Dec 2024	Phase 3 1 Jan 2025 and onwards
Bulk carrier	20,000 DWT and above	0	10	20	30
	10,000 – 20,000 DWT	n/a	0-10	0-20*	0-30*
Gas carrier	10,000 DWT and above	0	10	20	30
	2,000 – 10,000 DWT	n/a	0-10*	0-20*	0-30*
Tanker	20,000 DWT and above	0	10	20	30
	4,000 – 20,000 DWT	n/a	0-10*	0-20*	0-30*
Container ship	15,000 DWT and above	0	10	20	30
	10,000 – 15,000 DWT	n/a	0-10*	0-20*	0-30*

Ship Type	Size	Phase 0 1 Jan 2013– 31 Dec 2014	Phase 1 1 Jan 2015– 31 Dec 2019	Phase 2 1 Jan 2020– 31 Dec 2024	Phase 3 1 Jan 2025 and onwards
General Cargo ships	15,000 DWT and above	0	10	15	30
	3,000 – 15,000 DWT	n/a	0-10*	0-15*	0-30*
Refrigerated cargo carrier	5,000 DWT and above	0	10	15	30
	3,000 – 5,000 DWT	n/a	0-10*	0-15*	0-30*
Combination carrier	20,000 DWT and above	0	10	20	30
	4,000 – 20,000 DWT	n/a	0-10*	0-20*	0-30*
LNG carrier	10,000 DWT and above	n/a	10**	20	30
Ro-ro cargo ship (vehicle carrier)	10,000 DWT and above	n/a	5**	15	30
Ro-ro cargo ship	2,000 DWT and above	n/a	5**	20	30
	1,000 – 2,000 DWT	n/a	0-5*,**	0-20*	0-30*
Ro-ro passenger ship	1,000 DWT and above	n/a	5**	20	30
	250 – 1,000 DWT	n/a	0-5*,**	0-20*	0-30*
Cruise passenger ship having non-conventional propulsion	85,000 GT and above	n/a	5**	20	30
	25,000 – 85,000 GT	n/a	0-5*,**	0-20*	0-30*

3. The reference line values shall be calculated as follows:

- Reference line value = $a \cdot b^{-c}$ where a, b and c are the parameters given in Table 2.

Table 2.

Parameters for determination of reference values for the different ship types

Ship type defined in regulation 2	A	B	C
2.25 Bulk carrier	961.79	DWT of the ship	0.477
2.26 Gas carrier	1120.00	DWT of the ship	0.456
2.27 Tanker	1218.80	DWT of the ship	0.488
2.28 Container ship	174.22	DWT of the ship	0.201
2.29 General cargo ship	107.48	DWT of the ship	0.216
2.30 Refrigerated cargo carrier	227.01	DWT of the ship	0.244
2.31 Combination carrier	1219.00	DWT of the ship	0.488
2.33 Ro-ro cargo ship (vehicle carrier)	$(DWT/GT)^{-0.7}$ 780.36 where $DWT/GT < 0.3$	DWT of the ship	0.471
	1812.63 where $DWT/GT \geq 0.3$		
2.34 Ro-ro cargo ship	1405.15	DWT of the ship	0.498
	1686.17*	DWT of the ship where DWT 17,000* 17,000 where DWT > 17,000*	
2.35 Ro-ro passenger ship	752.16	DWT of the ship	0.381
	902.59*	DWT of the ship where DWT 10,000* 10,000 where DWT > 10,000*	
2.38 LNG carrier	2253.7	DWT of the ship	0.474

Ship type defined in regulation 2	A	B	C
2.39 Cruise passenger ship having non-conventional propulsion	170.84	GT of the ship	0.214

4. If the design of a ship allows it to fall into more than one of the ship type definitions specified in table 2, the required EEDI for the ship shall be the most stringent (the lowest) required EEDI.
5. For each ship to which this regulation applies, the installed propulsion power shall not be less than the propulsion power needed to maintain the manoeuvrability of the ship under adverse conditions as defined in the guidelines to be developed by the Organization.
6. At the beginning of Phase 1 and at the midpoint of Phase 2, the Organization shall review the status of technological developments and, if proven necessary, amend the time periods, the EEDI reference line parameters for relevant ship types and reduction rates set out in this regulation.

Regulation 22

Ship Energy Efficiency Management Plan (SEEMP)

1. Each ship shall keep on board a ship specific Ship Energy Efficiency Management Plan (SEEMP). This may form part of the ship's Safety Management System (SMS).
2. On or before 31 December 2018, in the case of a ship of 5,000 gross tonnage and above, the SEEMP shall include a description of the methodology that will be used to collect the data required by regulation 22A.1 of this Annex and the processes that will be used to report the data to the ship's Administration.
3. The SEEMP shall be developed taking into account guidelines adopted by the Organization.

Regulation 22A

Collection and reporting of ship fuel oil consumption data

1. From calendar year 2019, each ship of 5,000 gross tonnage and above shall collect the data specified in appendix IX to this Annex, for that and each subsequent calendar year or portion thereof, as appropriate, according to the methodology included in the SEEMP.
2. Except as provided for in paragraphs 4, 5 and 6 of this regulation, at the end of each calendar year, the ship shall aggregate the data collected in that calendar year or portion thereof, as appropriate.
3. Except as provided for in paragraphs 4, 5 and 6 of this regulation, within three months after the end of each calendar year, the ship shall report to its Administration or any organization duly authorized by it, the aggregated value for each datum specified in appendix IX to this Annex, via electronic communication and using a standardized format to be developed by the Organization.
4. In the event of the transfer of a ship from one Administration to another, the ship shall on the day of completion of the transfer or as close as practical thereto report to the losing Administration or any organization duly authorized by it^{ss}, the aggregated data for the period of the calendar year corresponding to that Administration, as specified in appendix IX to this Annex and, upon prior request of that Administration, the disaggregated data.
5. In the event of a change from one Company to another, the ship shall on the day of completion of the change or as close as practical thereto report to its Administration or any organization duly authorized by it, the aggregated data for the portion of the

calendar year corresponding to the Company, as specified in appendix IX to this Annex and, upon request of its Administration, the disaggregated data.

6. In the event of change from one Administration to another and from one Company to another concurrently, paragraph 4 of this regulation shall apply.
7. The data shall be verified according to procedures established by the Administration, taking into account guidelines to be developed by the Organization.
8. Except as provided for in paragraphs 4, 5 and 6 of this regulation, the disaggregated data that underlies the reported data noted in appendix IX to this Annex for the previous calendar year shall be readily accessible for a period of not less than 12 months from the end of that calendar year and be made available to the Administration upon request.
9. The Administration shall ensure that the reported data noted in appendix IX to this Annex by its registered ships of 5,000 gross tonnage and above are transferred to the IMO Ship Fuel Oil Consumption Database via electronic communication and using a standardized format to be developed by the Organization not later than one month after issuing the Statements of Compliance of these ships.
10. On the basis of the reported data submitted to the IMO Ship Fuel Oil Consumption Database, the Secretary-General of the Organization shall produce an annual report to the Marine Environment Protection Committee summarizing the data collected, the status of missing data, and such other relevant information as may be requested by the Committee.
11. The Secretary-General of the Organization shall maintain an anonymized database such that identification of a specific ship will not be possible. Parties shall have access to the anonymized data strictly for their analysis and consideration.
12. The IMO Ship Fuel Oil Consumption Database shall be undertaken and managed by the Secretary-General of the Organization, pursuant to guidelines to be developed by the Organization.

Regulation 23

Promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships

1. Administrations shall, in co-operation with the Organization and other international bodies, promote and provide, as appropriate, support directly or through the Organization to States, especially developing States, that request technical assistance.
2. The Administration of a Party shall co-operate actively with other Parties, subject to its national laws, regulations and policies, to promote the development and transfer of technology and exchange of information to States which request technical assistance, particularly developing States, in respect of the implementation of measures to fulfil the requirements of chapter 4 of this Annex, in particular regulations 19.4 to 19.6.

Chapter 5

Verification of compliance with the provisions of this annex

Regulation 24

Application

Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

Regulation 25

Verification of compliance

1. Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.
2. The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.
3. Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.
4. Audit of all Parties 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.

Appendix I

Form of International Air Pollution Prevention (IAPP) Certificate

(Regulation 8)

INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE

Issued under the provisions of the Protocol of 1997, as amended, to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 related thereto (hereinafter referred to as “the Convention”) under the authority of the Government of:

.....
(Full designation of the country)

by
(Full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

IMO Number

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with regulation 5 of Annex VI of the Convention; and
2. That the survey shows that the equipment, systems, fittings, arrangements and materials fully comply with the applicable requirements of Annex VI of the Convention.

Completion date of survey on which this Certificate is based:

..... (dd/mm/yyyy)

This Certificate is valid until
subject to surveys in accordance with regulation 5 of Annex VI of the Convention.

Issued at
(Place of issue of certificate)

(dd/mm/yyyy):

(Date of issue)

(Signature of authorized official
issuing the certificate)

(Seal or stamp of the authority, as appropriate)

Endorsement for annual and intermediate surveys

THIS IS TO CERTIFY that at a survey required by regulation 5 of Annex VI of the Convention the ship was found to comply with the relevant provisions of that Annex:

Annual survey: Signed:
(Signature of authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate survey: Signed:
(Signature of authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate survey: Signed:
(Signature of authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed:
(Signature of authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Annual/intermediate survey in accordance with regulation 9.8.3

THIS IS TO CERTIFY that, at an annual/intermediate survey in accordance with regulation 9.8.3 of Annex VI of the Convention, the ship was found to comply with the relevant provisions of that Annex:

Signed:
(Signature of authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the certificate if valid for less than 5 years where regulation 9.3 applies

The ship complies with the relevant provisions of the Annex, and this certificate shall, in accordance with regulation 9.3 of Annex VI of the Convention, be accepted as valid until (dd/mm/yyyy):

Signed:
(Signature of authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation 9.4 applies

The ship complies with the relevant provisions of the Annex, and this certificate shall, in accordance with regulation 9.4 of Annex VI of the Convention, be accepted as valid until (dd/mm/yyyy):

Signed:
(Signature of authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation 9.5 or 9.6 applies

This certificate shall, in accordance with regulation 9.5 or 9.6 of Annex VI of the Convention, be accepted as valid until (dd/mm/yyyy):

Signed:
(Signature of authorized official)

Place:
Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

Endorsement for advancement of anniversary date where regulation 9.8 applies

In accordance with regulation 9.8 of Annex VI of the Convention, the new anniversary date is (dd/mm/yyyy):

Signed:
(Signature of authorized official)

Place:
Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

In accordance with regulation 9.8 of Annex VI of the Convention, the new anniversary date is (dd/mm/yyyy):

Signed:
(Signature of authorized official)

Place:
Date (dd/mm/yyyy):

(Seal or stamp of the authority, as appropriate)

**SUPPLEMENT TO
INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE
(IAPP CERTIFICATE)**

RECORD OF CONSTRUCTION AND EQUIPMENT

- | |
|--|
| <p>Notes:</p> <ol style="list-style-type: none"> 1 This Record shall be permanently attached to the IAPP Certificate. The IAPP Certificate shall be available on board the ship at all times. 2 The Record shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy. 3 Entries in boxes shall be made by inserting either a cross (x) for the answer "yes" and "applicable" or a (-) for the answers "no" and "not applicable" as appropriate. 4 Unless otherwise stated, regulations mentioned in this Record refer to regulations of Annex VI of the Convention and resolutions or circulars refer to those adopted by the International Maritime Organization. |
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1 Particulars of ship

1.1 Name of ship

- 1.2 IMO Number
- 1.3 Date on which keel was laid or ship was at a similar stage of construction
- 1.4 Length (*l*) metres

2 Control of emissions from ships

2.1 Ozone-depleting substances (regulation 12)

- 2.1.1 The following fire-extinguishing systems, other systems and equipment containing ozone-depleting substances, other than hydrochlorofluorocarbons (HCFCs), installed before 19 May 2005 may continue in service:

System or equipment	Location on board	Substance

- 2.1.2 The following systems containing HCFCs installed before 1 January 2020 may continue in service:

System or equipment	Location on board	Substance

2.2 Nitrogen oxides (NO_x) (regulation 13)

- 2.2.1 The following marine diesel engines installed on this ship are in accordance with the requirements of regulation 13, as indicated:

Applicable regulation of MARPOL Annex VI (NTC = NO_x Technical Code 2008) (AM = Approved Method)		Engine #1	Engine #2	Engine #3	Engine #4	Engine #5	Engine #6
1	Manufacturer and model						
2	Serial number						
3	Use (applicable application cycle(s) — NTC 3.2)						
4	Rated power (kW) (NTC 1.3.11)						
5	Rated speed (RPM) (NTC 1.3.12)						
6	Identical engine installed \geq 1/1/2000 ex- empted by 13.1.1.2						
7	Identical engine installation date (dd/mm/yyyy) as per 13.1.1.2						
8a	Major Conversion (dd/mm/yyyy)	13.2.1.1 & 13.2.2					
8b		13.2.1.2 & 13.2.3					
8c		13.2.1.3 & 13.2.3					
9a	Tier I	13.3					
9b		13.2.2					
9c		13.2.3.1					
9d		13.2.3.2					
9e		13.7.1.2					
10a	Tier II	13.4					
10b		13.2.2					
10c		13.2.2 (Tier III not possible)					
10d		13.2.3.2					
10e		13.5.2 (Exemptions)					
10f		13.7.1.2					
11a	Tier III (ECA- NO_x only)	13.5.1.1					
11b		13.2.2					
11c		13.2.3.2					
11d		13.7.1.2					

Applicable regulation of MARPOL Annex VI (NTC = NO _x Technical Code 2008) (AM = Approved Method)		Engine #1	Engine #2	Engine #3	Engine #4	Engine #5	Engine #6
12	AM*	installed					
13		not commercially available at this survey					
14		not applicable					

2.3 Sulphur oxides (SO_x) and particulate matter (regulation 14)

2.3.1 When the ship operates outside of an emission control area specified in regulation 14.3, the ship uses:

- (a) fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the limit value of 0.50% m/m, and/or
- (b) an equivalent arrangement approved in accordance with regulation 4.1 as listed in paragraph 2.6 that is at least as effective in terms of SO_x emission reductions as compared to using a fuel oil with a sulphur content limit value of 0.50% m/m

2.3.2 When the ship operates inside an emission control area specified in regulation 14.3, the ship uses—

- (a) fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the limit value of 0.10% m/m, and/or
- (b) an equivalent arrangement approved in accordance with regulation 4.1 as listed in paragraph 2.6 that is at least as effective in terms of SO_x emission reductions as compared to using a fuel oil with a sulphur content limit value of 0.10% m/m

2.3.3 For a ship without an equivalent arrangement approved in accordance with regulation 4.1 as listed in paragraph 2.6, the sulphur content of fuel oil carried for use on board the ship shall not exceed 0.50% m/m as documented by bunker delivery notes

2.4 Volatile organic compounds (VOCs) (regulation 15)

- (a) The tanker has a vapour collection system installed and approved in accordance with MSC/Circ.585
- (b) For a tanker carrying crude oil, there is an approved VOC management plan
- (c) VOC management plan approval reference:

2.5 Shipboard incineration (regulation 16)

The ship has an incinerator:

- (a) installed on or after 1 January 2000 that complies with—
 - (i) resolution MEPC.76(40), as amended
 - (ii) resolution MEPC.244(66)
- (b) installed before 1 January 2000 that complies with—
 - (i) resolution MEPC.59(33), as amended
 - (ii) resolution MEPC.76(40), as amended

2.6 Equivalentents (regulation 4)

The ship has been allowed to use the following fitting, material, appliance or apparatus to be fitted in a ship or other procedures, alternative fuel oils, or compliance methods used as an alternative to that required by this Annex:

System or equipment	Equipment used	Approved reference

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at
(Place of issue of the Record)

(dd/mm/yyyy):
(Date of issue) (Signature of authorized official issuing the Record)

(Seal or stamp of the authority, as appropriate)

Appendix II

Test cycles and weighting factors

(Regulation 13)

The following test cycles and weighting factors shall be applied for verification of compliance of marine diesel engines with the applicable NO_x limit in accordance with regulation 13 of this Annex using the test procedure and calculation method as specified in the revised NO_x Technical Code 2008.

- (a) For constant-speed marine engines for ship main propulsion, including diesel-electric drive, test cycle E2 shall be applied;
- (b) For controllable-pitch propeller sets test cycle E2 shall be applied;
- (c) For propeller-law-operated main and propeller-law-operated auxiliary engines the test cycle E3 shall be applied;
- (d) For constant-speed auxiliary engines test cycle D2 shall be applied; and
- (e) For variable-speed, variable-load auxiliary engines, not included above, test cycle C1 shall be applied.

Test cycle for *constant-speed main propulsion* application

(including diesel-electric drive and all controllable-pitch propeller installations)

Test cycle type E2	Speed	100%	100%	100%	100%
	Power	100%	75%	50%	25%
	Weighting factor	0.2	0.5	0.15	0.15

Test cycle for *propeller-law-operated main and propeller-law-operated auxiliary engine* application

Test cycle type E3	Speed	100%	91%	80%	63%
	Power	100%	75%	50%	25%
	Weighting factor	0.2	0.5	0.15	0.15

Test cycle for *constant-speed auxiliary engine* application

Test cycle type D2	Speed	100%	100%	100%	100%	100%
	Power	100%	75%	50%	25%	10%
	Weighting factor	0.05	0.25	0.3	0.3	0.1

Test cycle for *variable-speed and -load auxiliary engine* application

Test cycle type C1	Speed	Rated				Intermediate			Idle
	Torque	100%	75%	50%	10%	100%	75%	50%	0%
	Weighting factor	0.15	0.15	0.15	0.1	0.1	0.1	0.1	0.15

In the case of an engine to be certified in accordance with paragraph 5.1.1 of regulation 13, the specific emission at each individual mode point shall not exceed the applicable NO_x emission limit value by more than 50% except as follows:

1. The 10% mode point in the D2 test cycle.

2. The 10% mode point in the C1 test cycle.
3. The idle mode point in the C1 test cycle.

Appendix III

Criteria and procedures for designation of emission control areas (Regulation 13.6 and regulation 14.3)

1 *Objectives*

- 1.1 The purpose of this appendix is to provide the criteria and procedures to Parties for the formulation and submission of proposals for the designation of emission control areas and to set forth the factors to be considered in the assessment of such proposals by the Organization.
- 1.2 Emissions of NO_x, SO_x and particulate matter from ocean-going ships contribute to ambient concentrations of air pollution in cities and coastal areas around the world. Adverse public health and environmental effects associated with air pollution include premature mortality, cardiopulmonary disease, lung cancer, chronic respiratory ailments, acidification and eutrophication.
- 1.3 An emission control area should be considered for adoption by the Organization if supported by a demonstrated need to prevent, reduce and control emissions of NO_x or SO_x and particulate matter or all three types of emissions (hereinafter emissions) from ships.

2 *Process for the designation of emission control areas*

- 2.1 A proposal to the Organization for designation of an emission control area for NO_x or SO_x and particulate matter or all three types of emissions may be submitted only by Parties. Where two or more Parties have a common interest in a particular area, they should formulate a coordinated proposal.
- 2.2 A proposal to designate a given area as an emission control area should be submitted to the Organization in accordance with the rules and procedures established by the Organization.

3 *Criteria for designation of an emission control area*

- 3.1 The proposal shall include:
 - (a) a clear delineation of the proposed area of application, along with a reference chart on which the area is marked;
 - (b) the type or types of emission(s) that is or are being proposed for control (i.e., NO_x or SO_x and particulate matter or all three types of emissions);
 - (c) a description of the human populations and environmental areas at risk from the impacts of ship emissions;
 - (d) an assessment that emissions from ships operating in the proposed area of application are contributing to ambient concentrations of air pollution or to adverse environmental impacts. Such assessment shall include a description of the impacts of the relevant emissions on human health and the environment, such as adverse impacts to terrestrial and aquatic ecosystems, areas of natural productivity, critical habitats, water quality, human health, and areas of cultural and scientific significance, if applicable. The sources of relevant data including methodologies used shall be identified;
 - (e) relevant information, pertaining to the meteorological conditions in the proposed area of application, to the human populations and environmental areas at risk, in particular prevailing wind patterns, or to topographical, geological, oceanographic, morphological or other conditions that contribute to ambient concentrations of air pollution or adverse environmental impacts;
 - (f) the nature of the ship traffic in the proposed emission control area, including the patterns and density of such traffic;

- (g) a description of the control measures taken by the proposing Party or Parties addressing land-based sources of NO_x, SO_x and particulate matter emissions affecting the human populations and environmental areas at risk that are in place and operating concurrent with the consideration of measures to be adopted in relation to provisions of regulations 13 and 14 of Annex VI; and
- (h) the relative costs of reducing emissions from ships when compared with land-based controls, and the economic impacts on shipping engaged in international trade.

3.2 The geographical limits of an emission control area will be based on the relevant criteria outlined above, including emissions and deposition from ships navigating in the proposed area, traffic patterns and density, and wind conditions.

4 *Procedures for the assessment and adoption of emission control areas by the Organization*

4.1 The Organization shall consider each proposal submitted to it by a Party or Parties.

4.2 In assessing the proposal, the Organization shall take into account the criteria that are to be included in each proposal for adoption as set forth in section 3 above.

4.3 An emission control area shall be designated by means of an amendment to this Annex, considered, adopted and brought into force in accordance with article 16 of the present Convention.

5 *Operation of emission control areas*

Parties that have ships navigating in the area are encouraged to bring to the Organization any concerns regarding the operation of the area.

Appendix IV

Type approval and operating limits for shipboard incinerators (Regulation 16)

1. Shipboard incinerators described in regulation 16.6.1 shall possess an IMO Type Approval Certificate for each incinerator. In order to obtain such certificate, the incinerator shall be designed and built to an approved standard as described in regulation 16.6.1. Each model shall be subject to a specified type approval test operation at the factory or an approved test facility, and under the responsibility of the Administration, using the following standard fuel/waste specification for the type approval test for determining whether the incinerator operates within the limits specified in paragraph 2 of this appendix:

- Sludge oil consisting of: 75% sludge oil from heavy fuel oil (HFO);
5% waste lubricating oil; and
20% emulsified water.
- Solid waste consisting of: 50% food waste;
50% rubbish containing;
bapprox. 30% paper,
"40% cardboard,
"10% rags,
"20% plastic
The mixture will have up to 50% moisture and 7%
incombustible solids.

2. Incinerators described in regulation 16.6.1 shall operate within the following limits:

- O₂ in combustion chamber: 6-12%
- CO in flue gas maximum average: 200 mg/MJ

- Soot number maximum average: Bacharach 3 or Ringelman 1 (20% opacity) (a higher soot number is acceptable only during very short periods such as starting up)
- Unburned components in ash Maximum 10% by weight residues:
- Combustion chamber flue gas 850-1200 °C
- outlet temperature range:

Appendix V

Information to be included in the bunker delivery note (Regulation 18.5)

1. Name and IMO Number of receiving ship
2. Port
3. Date of commencement of delivery
4. Name, address and telephone number of marine fuel oil supplier
5. Product name(s)
6. Quantity in metric tonnes
7. Density at 15°C (kg/m³)
8. Sulphur content (% m/m)
9. A declaration signed and certified by the fuel oil supplier's representative that the fuel oil supplied is in conformity with regulation 18.3 of this Annex and that the sulphur content of the fuel oil supplied does not exceed:
 - the limit value given by regulation 14.1 of this Annex;
 - the limit value given by regulation 14.4 of this Annex; or
 - the purchaser's specified limit value of _____ (% m/m), as completed by the fuel oil supplier's representative and on the basis of the purchaser's notification that the fuel oil is intended to be used:
 - (a) in combination with an equivalent means of compliance in accordance with regulation 4 of this Annex; or
 - (b) is subject to a relevant exemption for a ship to conduct trials for sulphur oxides emission reduction and control technology research in accordance with regulation 3.2 of this Annex.

The declaration shall be completed by the fuel oil supplier's representative by marking the applicable box(es) with a cross (x).

Appendix VI

Fuel verification procedure for MARPOL Annex VI fuel oil samples (Regulation 18.8.2)

The following procedure shall be used to determine whether the fuel oil delivered to and used on board ships is compliant with the sulphur limits required by regulation 14 of Annex VI.

- 1 *General requirements*
 - (a) The representative fuel oil sample, which is required by paragraph 8.1 of regulation 18 (the "MARPOL sample") shall be used to verify the sulphur content of the fuel oil supplied to a ship.

- (b) An Administration, through its competent authority, shall manage the verification procedure.
- (c) The laboratories responsible for the verification procedure set forth in this appendix shall be fully accredited for the purpose of conducting the tests.

2.1 *Verification procedure stage 1*

The MARPOL sample shall be delivered by the competent authority to the laboratory.

- 2.2 The laboratory shall:
- (a) record the details of the seal number and the sample label on the test record;
 - (b) confirm that the condition of the seal on the MARPOL sample is that it has not been broken; and
 - (c) reject any MARPOL sample where the seal has been broken.
- 2.3 If the seal of the MARPOL sample has not been broken, the laboratory shall proceed with the verification procedure and shall:
- (a) ensure that the MARPOL sample is thoroughly homogenized;
 - (b) draw two subsamples from the MARPOL sample; and
 - (c) reseal the MARPOL sample and record the new reseal details on the test record.
- 2.4 The two subsamples shall be tested in succession, in accordance with the specified test method referred to in appendix V (second footnote). For the purposes of this verification procedure, the results of the test analysis shall be referred to as “A” and “B”:
- (a) If the results of “A” and “B” are within the repeatability (r) of the test method, the results shall be considered valid.
 - (b) If the results of “A” and “B” are not within the repeatability (r) of the test method, both results shall be rejected and two new subsamples should be taken by the laboratory and analysed. The sample bottle should be resealed in accordance with paragraph 2.3.3 above after the new subsamples have been taken.
- 2.5 If the test results of “A” and “B” are valid, an average of these two results should be calculated thus giving the result referred to as “X”:
- (a) If the result of “X” is equal to or falls below the applicable limit required by Annex VI, the fuel oil shall be deemed to meet the requirements.
 - (b) If the result of “X” is greater than the applicable limit required by Annex VI, verification procedure stage 2 should be conducted; however, if the result of “X” is greater than the specification limit by $0.59R$ (where R is the reproducibility of the test method), the fuel oil shall be considered non-compliant and no further testing is necessary.

3. *Verification procedure stage 2*

- 3.1 If stage 2 of the verification procedure is necessary in accordance with paragraph 2.5.2 above, the competent authority shall send the MARPOL sample to a second accredited laboratory.

- 3.2 Upon receiving the MARPOL sample, the laboratory shall—
- (a) record the details of the reseal number applied in accordance with 2.3.3 above and the sample label on the test record;
 - (b) draw two subsamples from the MARPOL sample; and
 - (c) reseal the MARPOL sample and record the new reseal details on the test record.

The two subsamples shall be tested in succession, in accordance with the test method specified in appendix V (second footnote). For the purposes of this verification procedure, the results of the test analysis shall be referred to as “C” and “D”:

- (a) If the results of “C” and “D” are within the repeatability (r) of the test method, the results shall be considered valid.

(b) If the results of “C” and “D” are not within the repeatability (r) of the test method, both results shall be rejected and two new subsamples shall be taken by the laboratory and analysed. The sample bottle should be resealed in accordance with paragraph 3.2.3 above after the new subsamples have been taken.

3.4 If the test results of “C” and “D” are valid, and the results of “A”, “B”, “C”, and “D” are within the reproducibility (R) of the test method then the laboratory shall average the results, which is referred to as “Y”:

(a) If the result of “Y” is equal to or falls below the applicable limit required by Annex VI, the fuel oil shall be deemed to meet the requirements.

(b) If the result of “Y” is greater than the applicable limit required by Annex VI, then the fuel oil fails to meet the standards required by Annex VI.

If the results of “A”, “B”, “C” and “D” are not within the reproducibility (R) of the test method then the Administration may discard all of the test results and, at its discretion, repeat the entire testing process.

3.6 The results obtained from the verification procedure are final.

*Appendix VII***Emission Control Areas (Regulation 13.6 and regulation 14.3)**

1. The boundaries of emission control areas designated under regulations 13.6 and 14.3, other than the Baltic Sea and the North Sea areas, are set forth in this appendix.
2. The North American Area comprises:
 - (a) the sea area located off the Pacific coasts of the United States and Canada, enclosed by geodesic lines connecting the following coordinates:

POINT	LATITUDE	LONGITUDE
1	32° 32' 10" N.	117° 06' 11" W.
2	32° 32' 04" N.	117° 07' 29" W.
3	32° 31' 39" N.	117° 14' 20" W.
4	32° 33' 13" N.	117° 15' 50" W.
5	32° 34' 21" N.	117° 22' 01" W.
6	32° 35' 23" N.	117° 27' 53" W.
7	32° 37' 38" N.	117° 49' 34" W.
8	31° 07' 59" N.	118° 36' 21" W.
9	30° 33' 25" N.	121° 47' 29" W.
10	31° 46' 11" N.	123° 17' 22" W.
11	32° 21' 58" N.	123° 50' 44" W.
12	32° 56' 39" N.	124° 11' 47" W.
13	33° 40' 12" N.	124° 27' 15" W.
14	34° 31' 28" N.	125° 16' 52" W.
15	35° 14' 38" N.	125° 43' 23" W.
16	35° 43' 60" N.	126° 18' 53" W.
17	36° 16' 25" N.	126° 45' 30" W.
18	37° 01' 35" N.	127° 07' 18" W.
19	37° 45' 39" N.	127° 38' 02" W.
20	38° 25' 08" N.	127° 52' 60" W.
21	39° 25' 05" N.	128° 31' 23" W.
22	40° 18' 47" N.	128° 45' 46" W.
23	41° 13' 39" N.	128° 40' 22" W.
24	42° 12' 49" N.	129° 00' 38" W.
25	42° 47' 34" N.	129° 05' 42" W.
26	43° 26' 22" N.	129° 01' 26" W.
27	44° 24' 43" N.	128° 41' 23" W.
28	45° 30' 43" N.	128° 40' 02" W.
29	46° 11' 01" N.	128° 49' 01" W.
30	46° 33' 55" N.	129° 04' 29" W.
31	47° 39' 55" N.	131° 15' 41" W.
32	48° 32' 32" N.	132° 41' 00" W.
33	48° 57' 47" N.	133° 14' 47" W.
34	49° 22' 39" N.	134° 15' 51" W.
35	50° 01' 52" N.	135° 19' 01" W.
36	51° 03' 18" N.	136° 45' 45" W.
37	51° 54' 04" N.	137° 41' 54" W.
38	52° 45' 12" N.	138° 20' 14" W.
39	53° 29' 20" N.	138° 40' 36" W.
40	53° 40' 39" N.	138° 48' 53" W.
41	54° 13' 45" N.	139° 32' 38" W.
42	54° 39' 25" N.	139° 56' 19" W.
43	55° 20' 18" N.	140° 55' 45" W.
44	56° 07' 12" N.	141° 36' 18" W.
45	56° 28' 32" N.	142° 17' 19" W.
46	56° 37' 19" N.	142° 48' 57" W.
47	58° 51' 04" N.	153° 15' 03" W.

- (b) the sea areas located off the Atlantic coasts of the United States, Canada, and France (Saint-Pierre-et-Miquelon) and the Gulf of Mexico coast of the United States enclosed by geodesic lines connecting the following coordinates:

POINT	LATITUDE	LONGITUDE
1	60° 00' 00" N.	64° 09' 36" W.
2	60° 00' 00" N.	56° 43' 00" W.
3	58° 54' 01" N.	55° 38' 05" W.
4	57° 50' 52" N.	55° 03' 47" W.
5	57° 35' 13" N.	54° 00' 59" W.
6	57° 14' 20" N.	53° 07' 58" W.
7	56° 48' 09" N.	52° 23' 29" W.
8	56° 18' 13" N.	51° 49' 42" W.
9	54° 23' 21" N.	50° 17' 44" W.
10	53° 44' 54" N.	50° 07' 17" W.
11	53° 04' 59" N.	50° 10' 05" W.
12	52° 20' 06" N.	49° 57' 09" W.
13	51° 34' 20" N.	48° 52' 45" W.
14	50° 40' 15" N.	48° 16' 04" W.
15	50° 02' 28" N.	48° 07' 03" W.
16	49° 24' 03" N.	48° 09' 35" W.
17	48° 39' 22" N.	47° 55' 17" W.
18	47° 24' 25" N.	47° 46' 56" W.
19	46° 35' 12" N.	48° 00' 54" W.
20	45° 19' 45" N.	48° 43' 28" W.
21	44° 43' 38" N.	49° 16' 50" W.
22	44° 16' 38" N.	49° 51' 23" W.
23	43° 53' 15" N.	50° 34' 01" W.
24	43° 36' 06" N.	51° 20' 41" W.
25	43° 23' 59" N.	52° 17' 22" W.
26	43° 19' 50" N.	53° 20' 13" W.
27	43° 21' 14" N.	54° 09' 20" W.
28	43° 29' 41" N.	55° 07' 41" W.
29	42° 40' 12" N.	55° 31' 44" W.
30	41° 58' 19" N.	56° 09' 34" W.
31	41° 20' 21" N.	57° 05' 13" W.
32	40° 55' 34" N.	58° 02' 55" W.
33	40° 41' 38" N.	59° 05' 18" W.
34	40° 38' 33" N.	60° 12' 20" W.
35	40° 45' 46" N.	61° 14' 03" W.
36	41° 04' 52" N.	62° 17' 49" W.
37	40° 36' 55" N.	63° 10' 49" W.
38	40° 17' 32" N.	64° 08' 37" W.
39	40° 07' 46" N.	64° 59' 31" W.
40	40° 05' 44" N.	65° 53' 07" W.
41	39° 58' 05" N.	65° 59' 51" W.
42	39° 28' 24" N.	66° 21' 14" W.
43	39° 01' 54" N.	66° 48' 33" W.
44	38° 39' 16" N.	67° 20' 59" W.
45	38° 19' 20" N.	68° 02' 01" W.
46	38° 05' 29" N.	68° 46' 55" W.
47	37° 58' 14" N.	69° 34' 07" W.
48	37° 57' 47" N.	70° 24' 09" W.
49	37° 52' 46" N.	70° 37' 50" W.
50	37° 18' 37" N.	71° 08' 33" W.
51	36° 32' 25" N.	71° 33' 59" W.
52	35° 34' 58" N.	71° 26' 02" W.
53	34° 33' 10" N.	71° 37' 04" W.
54	33° 54' 49" N.	71° 52' 35" W.
55	33° 19' 23" N.	72° 17' 12" W.
56	32° 45' 31" N.	72° 54' 05" W.
57	31° 55' 13" N.	74° 12' 02" W.
58	31° 27' 14" N.	75° 15' 20" W.
59	31° 03' 16" N.	75° 51' 18" W.
60	30° 45' 42" N.	76° 31' 38" W.
61	30° 12' 48" N.	77° 18' 29" W.
62	29° 25' 17" N.	76° 56' 42" W.
63	28° 36' 59" N.	76° 47' 60" W.
64	28° 17' 13" N.	76° 40' 10" W.
65	28° 17' 12" N.	79° 11' 23" W.
66	27° 52' 56" N.	79° 28' 35" W.
67	27° 26' 01" N.	79° 31' 38" W.
68	27° 16' 13" N.	79° 34' 18" W.
69	27° 11' 54" N.	79° 34' 56" W.
70	27° 05' 59" N.	79° 35' 19" W.

POINT	LATITUDE	LONGITUDE
71	27° 00' 28" N.	79° 35' 17" W.
72	26° 55' 16" N.	79° 34' 39" W.
73	26° 53' 58" N.	79° 34' 27" W.
74	26° 45' 46" N.	79° 32' 41" W.
75	26° 44' 30" N.	79° 32' 23" W.
76	26° 43' 40" N.	79° 32' 20" W.
77	26° 41' 12" N.	79° 32' 01" W.
78	26° 38' 13" N.	79° 31' 32" W.
79	26° 36' 30" N.	79° 31' 06" W.
80	26° 35' 21" N.	79° 30' 50" W.
81	26° 34' 51" N.	79° 30' 46" W.
82	26° 34' 11" N.	79° 30' 38" W.
83	26° 31' 12" N.	79° 30' 15" W.
84	26° 29' 05" N.	79° 29' 53" W.
85	26° 25' 31" N.	79° 29' 58" W.
86	26° 23' 29" N.	79° 29' 55" W.
87	26° 23' 21" N.	79° 29' 54" W.
88	26° 18' 57" N.	79° 31' 55" W.
89	26° 15' 26" N.	79° 33' 17" W.
90	26° 15' 13" N.	79° 33' 23" W.
91	26° 08' 09" N.	79° 35' 53" W.
92	26° 07' 47" N.	79° 36' 09" W.
93	26° 06' 59" N.	79° 36' 35" W.
94	26° 02' 52" N.	79° 38' 22" W.
95	25° 59' 30" N.	79° 40' 03" W.
96	25° 59' 16" N.	79° 40' 08" W.
97	25° 57' 48" N.	79° 40' 38" W.
98	25° 56' 18" N.	79° 41' 06" W.
99	25° 54' 04" N.	79° 41' 38" W.
100	25° 53' 24" N.	79° 41' 46" W.
101	25° 51' 54" N.	79° 41' 59" W.
102	25° 49' 33" N.	79° 42' 16" W.
103	25° 48' 24" N.	79° 42' 23" W.
104	25° 48' 20" N.	79° 42' 24" W.
105	25° 46' 26" N.	79° 42' 44" W.
106	25° 46' 16" N.	79° 42' 45" W.
107	25° 43' 40" N.	79° 42' 59" W.
108	25° 42' 31" N.	79° 42' 48" W.
109	25° 40' 37" N.	79° 42' 27" W.
110	25° 37' 24" N.	79° 42' 27" W.
111	25° 37' 08" N.	79° 42' 27" W.
112	25° 31' 03" N.	79° 42' 12" W.
113	25° 27' 59" N.	79° 42' 11" W.
114	25° 24' 04" N.	79° 42' 12" W.
115	25° 22' 21" N.	79° 42' 20" W.
116	25° 21' 29" N.	79° 42' 08" W.
117	25° 16' 52" N.	79° 41' 24" W.
118	25° 15' 57" N.	79° 41' 31" W.
119	25° 10' 39" N.	79° 41' 31" W.
120	25° 09' 51" N.	79° 41' 36" W.
121	25° 09' 03" N.	79° 41' 45" W.
122	25° 03' 55" N.	79° 42' 29" W.
123	25° 02' 60" N.	79° 42' 56" W.
124	25° 00' 30" N.	79° 44' 05" W.
125	24° 59' 03" N.	79° 44' 48" W.
126	24° 55' 28" N.	79° 45' 57" W.
127	24° 44' 18" N.	79° 49' 24" W.
128	24° 43' 04" N.	79° 49' 38" W.
129	24° 42' 36" N.	79° 50' 50" W.
130	24° 41' 47" N.	79° 52' 57" W.
131	24° 38' 32" N.	79° 59' 58" W.
132	24° 36' 27" N.	80° 03' 51" W.
133	24° 33' 18" N.	80° 12' 43" W.
134	24° 33' 05" N.	80° 13' 21" W.
135	24° 32' 13" N.	80° 15' 16" W.
136	24° 31' 27" N.	80° 16' 55" W.
137	24° 30' 57" N.	80° 17' 47" W.
138	24° 30' 14" N.	80° 19' 21" W.
139	24° 30' 06" N.	80° 19' 44" W.
140	24° 29' 38" N.	80° 21' 05" W.
141	24° 28' 18" N.	80° 24' 35" W.
142	24° 28' 06" N.	80° 25' 10" W.
143	24° 27' 23" N.	80° 27' 20" W.
144	24° 26' 30" N.	80° 29' 30" W.
145	24° 25' 07" N.	80° 32' 22" W.
146	24° 23' 30" N.	80° 36' 09" W.
147	24° 22' 33" N.	80° 38' 56" W.
148	24° 22' 07" N.	80° 39' 51" W.
149	24° 19' 31" N.	80° 45' 21" W.
150	24° 19' 16" N.	80° 45' 47" W.
151	24° 18' 38" N.	80° 46' 49" W.
152	24° 18' 35" N.	80° 46' 54" W.
153	24° 09' 51" N.	80° 59' 47" W.
154	24° 09' 48" N.	80° 59' 51" W.

POINT	LATITUDE	LONGITUDE
155	24° 08' 58" N.	81° 01' 07" W.
156	24° 08' 30" N.	81° 01' 51" W.
157	24° 08' 26" N.	81° 01' 57" W.
158	24° 07' 28" N.	81° 03' 06" W.
159	24° 02' 20" N.	81° 09' 05" W.
160	23° 59' 60" N.	81° 11' 16" W.
161	23° 55' 32" N.	81° 12' 55" W.
162	23° 53' 52" N.	81° 19' 43" W.
163	23° 50' 52" N.	81° 29' 59" W.
164	23° 50' 02" N.	81° 39' 59" W.
165	23° 49' 05" N.	81° 49' 59" W.
166	23° 49' 05" N.	82° 00' 11" W.
167	23° 49' 42" N.	82° 09' 59" W.
168	23° 51' 14" N.	82° 24' 59" W.
169	23° 51' 14" N.	82° 39' 59" W.
170	23° 49' 42" N.	82° 48' 53" W.
171	23° 49' 32" N.	82° 51' 11" W.
172	23° 49' 24" N.	82° 59' 59" W.
173	23° 49' 52" N.	83° 14' 59" W.
174	23° 51' 22" N.	83° 25' 49" W.
175	23° 52' 27" N.	83° 33' 01" W.
176	23° 54' 04" N.	83° 41' 35" W.
177	23° 55' 47" N.	83° 48' 11" W.
178	23° 58' 38" N.	83° 59' 59" W.
179	24° 09' 37" N.	84° 29' 27" W.
180	24° 13' 20" N.	84° 38' 39" W.
181	24° 16' 41" N.	84° 46' 07" W.
182	24° 23' 30" N.	84° 59' 59" W.
183	24° 26' 37" N.	85° 06' 19" W.
184	24° 38' 57" N.	85° 31' 54" W.
185	24° 44' 17" N.	85° 43' 11" W.
186	24° 53' 57" N.	85° 59' 59" W.
187	25° 10' 44" N.	86° 30' 07" W.
188	25° 43' 15" N.	86° 21' 14" W.
189	26° 13' 13" N.	86° 06' 45" W.
190	26° 27' 22" N.	86° 13' 15" W.
191	26° 33' 46" N.	86° 37' 07" W.
192	26° 01' 24" N.	87° 29' 35" W.
193	25° 42' 25" N.	88° 33' 00" W.
194	25° 46' 54" N.	90° 29' 41" W.
195	25° 44' 39" N.	90° 47' 05" W.
196	25° 51' 43" N.	91° 52' 50" W.
197	26° 17' 44" N.	93° 03' 59" W.
198	25° 59' 55" N.	93° 33' 52" W.
199	26° 00' 32" N.	95° 39' 27" W.
200	26° 00' 33" N.	96° 48' 30" W.
201	25° 58' 32" N.	96° 55' 28" W.
202	25° 58' 15" N.	96° 58' 41" W.
203	25° 57' 58" N.	97° 01' 54" W.
204	25° 57' 41" N.	97° 05' 08" W.
205	25° 57' 24" N.	97° 08' 21" W.
206	25° 57' 24" N.	97° 08' 47" W.

- (c) the sea area located off the coasts of the Hawaiian Islands of Hawai i, Maui, Oahu, Moloka i, Ni ihau, Kaua i, L na i, and Kaho olawe, enclosed by geodesic lines connecting the following coordinates:

POINT	LATITUDE	LONGITUDE
1	22° 32' 54" N.	153° 00' 33" W.
2	23° 06' 05" N.	153° 28' 36" W.
3	23° 32' 11" N.	154° 02' 12" W.
4	23° 51' 47" N.	154° 36' 48" W.
5	24° 21' 49" N.	155° 51' 13" W.
6	24° 41' 47" N.	156° 27' 27" W.
7	24° 57' 33" N.	157° 22' 17" W.
8	25° 13' 41" N.	157° 54' 13" W.
9	25° 25' 31" N.	158° 30' 36" W.
10	25° 31' 19" N.	159° 09' 47" W.
11	25° 30' 31" N.	159° 54' 21" W.
12	25° 21' 53" N.	160° 39' 53" W.
13	25° 00' 06" N.	161° 38' 33" W.
14	24° 40' 49" N.	162° 13' 13" W.
15	24° 15' 53" N.	162° 43' 08" W.
16	23° 40' 50" N.	163° 13' 00" W.
17	23° 03' 20" N.	163° 32' 58" W.
18	22° 20' 09" N.	163° 44' 41" W.
19	21° 36' 45" N.	163° 46' 03" W.
20	20° 55' 26" N.	163° 37' 44" W.
21	20° 13' 34" N.	163° 19' 13" W.
22	19° 39' 03" N.	162° 53' 48" W.
23	19° 09' 43" N.	162° 20' 35" W.
24	18° 39' 16" N.	161° 19' 14" W.
25	18° 30' 31" N.	160° 38' 30" W.
26	18° 29' 31" N.	159° 56' 17" W.
27	18° 10' 41" N.	159° 14' 08" W.
28	17° 31' 17" N.	158° 56' 55" W.
29	16° 54' 06" N.	158° 30' 29" W.
30	16° 25' 49" N.	157° 59' 25" W.
31	15° 59' 57" N.	157° 17' 35" W.
32	15° 40' 37" N.	156° 21' 06" W.
33	15° 37' 36" N.	155° 22' 16" W.
34	15° 43' 46" N.	154° 46' 37" W.
35	15° 55' 32" N.	154° 13' 05" W.
36	16° 46' 27" N.	152° 49' 11" W.
37	17° 33' 42" N.	152° 00' 32" W.
38	18° 30' 16" N.	151° 30' 24" W.
39	19° 02' 47" N.	151° 22' 17" W.
40	19° 34' 46" N.	151° 19' 47" W.
41	20° 07' 42" N.	151° 22' 58" W.
42	20° 38' 43" N.	151° 31' 36" W.
43	21° 29' 09" N.	151° 59' 50" W.
44	22° 06' 58" N.	152° 31' 25" W.
45	22° 32' 54" N.	153° 00' 33" W.

3. The United States Caribbean Sea area includes:
- (a) the sea area located off the Atlantic and Caribbean coasts of the Commonwealth of Puerto Rico and the United States Virgin Islands, enclosed by geodesic lines connecting the following coordinates:

POINT	LATITUDE	LONGITUDE
1	17° 18' 37" N.	67° 32' 14" W.
2	19° 11' 14" N.	67° 26' 45" W.
3	19° 30' 28" N.	65° 16' 48" W.
4	19° 12' 25" N.	65° 6' 8" W.
5	18° 45' 13" N.	65° 0' 22" W.
6	18° 41' 14" N.	64° 59' 33" W.
7	18° 29' 22" N.	64° 53' 51" W.
8	18° 27' 35" N.	64° 53' 22" W.
9	18° 25' 21" N.	64° 52' 39" W.
10	18° 24' 30" N.	64° 52' 19" W.
11	18° 23' 51" N.	64° 51' 50" W.
12	18° 23' 42" N.	64° 51' 23" W.
13	18° 23' 36" N.	64° 50' 17" W.
14	18° 23' 48" N.	64° 49' 41" W.
15	18° 24' 11" N.	64° 49' 0" W.
16	18° 24' 28" N.	64° 47' 57" W.
17	18° 24' 18" N.	64° 47' 1" W.
18	18° 23' 13" N.	64° 46' 37" W.
19	18° 22' 37" N.	64° 45' 20" W.
20	18° 22' 39" N.	64° 44' 42" W.
21	18° 22' 42" N.	64° 44' 36" W.
22	18° 22' 37" N.	64° 44' 24" W.
23	18° 22' 39" N.	64° 43' 42" W.
24	18° 22' 30" N.	64° 43' 36" W.
25	18° 22' 25" N.	64° 42' 58" W.
26	18° 22' 26" N.	64° 42' 28" W.
27	18° 22' 15" N.	64° 42' 3" W.
28	18° 22' 22" N.	64° 40' 60" W.
29	18° 21' 57" N.	64° 40' 15" W.
30	18° 21' 51" N.	64° 38' 23" W.
31	18° 21' 22" N.	64° 38' 16" W.
32	18° 20' 39" N.	64° 38' 33" W.
33	18° 19' 15" N.	64° 38' 14" W.
34	18° 19' 7" N.	64° 38' 16" W.
35	18° 17' 23" N.	64° 39' 38" W.
36	18° 16' 43" N.	64° 39' 41" W.
37	18° 11' 33" N.	64° 38' 58" W.
38	18° 3' 2" N.	64° 38' 3" W.
39	18° 2' 56" N.	64° 29' 35" W.
40	18° 2' 51" N.	64° 27' 2" W.
41	18° 2' 30" N.	64° 21' 8" W.
42	18° 2' 31" N.	64° 20' 8" W.
43	18° 2' 3" N.	64° 15' 57" W.
44	18° 0' 12" N.	64° 2' 29" W.
45	17° 59' 58" N.	64° 1' 4" W.
46	17° 58' 47" N.	63° 57' 1" W.
47	17° 57' 51" N.	63° 53' 54" W.
48	17° 56' 38" N.	63° 53' 21" W.
49	17° 39' 40" N.	63° 54' 53" W.
50	17° 37' 8" N.	63° 55' 10" W.
51	17° 30' 21" N.	63° 55' 56" W.
52	17° 11' 36" N.	63° 57' 57" W.
53	17° 4' 60" N.	63° 58' 41" W.
54	16° 59' 49" N.	63° 59' 18" W.
55	17° 18' 37" N.	67° 32' 14" W.

Supplement to the International Energy Efficiency Certificate

(IEE Certificate)

RECORD OF CONSTRUCTION RELATING TO ENERGY EFFICIENCY

Notes:

- 1 This Record shall be permanently attached to the IEE Certificate. The IEE Certificate shall be available on board the ship at all times.
- 2 The Record shall be at least in English, French or Spanish. If an official language of the issuing Party is also used, this shall prevail in case of a dispute or discrepancy.
- 3 Entries in boxes shall be made by inserting either: a cross (*x*) for the answers “yes” and “applicable”; or a dash (-) for the answers “no” and “not applicable”, as appropriate.
- 4 Unless otherwise stated, regulations mentioned in this Record refer to regulations in Annex VI of the Convention, and resolutions or circulars refer to those adopted by the International Maritime Organization.

1 Particulars of ship

- 1.1 Name of ship
- 1.2 IMO number
- 1.3 Date of building contract
- 1.4 Gross tonnage
- 1.5 Deadweight
- 1.6 Type of ship

2 Propulsion system

- 2.1 Diesel propulsion
- 2.2 Diesel-electric propulsion
- 2.3 Turbine propulsion
- 2.4 Hybrid propulsion
- 2.5 Propulsion system other than any of the above

3 Attained Energy Efficiency Design Index (EEDI)

- 3.1 The Attained EEDI in accordance with regulation 20.1 is calculated based on the information contained in the EEDI technical file which also shows the process of calculating the Attained EEDI

- The Attained EEDI isgrams-CO₂/tonne-mile

- 3.2 The Attained EEDI is not calculated as:
 - (a) the ship is exempt under regulation 20.1 as it is not a new ship as defined in regulation 2.23
 - (b) the type of propulsion system is exempt in accordance with regulation 19.3
 - (c) the requirement of regulation 20 is waived by the ship's Administration in accordance with regulation 19.4
 - (d) the type of ship is exempt in accordance with regulation 20.1

4 Required EEDI

- 4.1 Required EEDI is: grams-CO₂/tonne-mile

- 4.2 The required EEDI is not applicable as:
 - (a) the ship is exempt under regulation 21.1 as it is not a new ship as defined in regulation 2.23.
 - (b) the type of propulsion system is exempt in accordance with regulation 19.3
 - (c) the requirement of regulation 21 is waived by the ship's Administration in accordance with regulation 19.4
 - (d) the type of ship is exempt in accordance with regulation 21.1
 - (e) the ship's capacity is below the minimum capacity threshold in Table 1 of regulation 21.2.

5 Ship Energy Efficiency Management Plan

- 5.1 The ship is provided with a Ship Energy Efficiency Management Plan (SEEMP) in compliance with regulation 22

6 EEDI technical file

- 6.1 The IEE Certificate is accompanied by the EEDI technical file in compliance with regulation 20.1
- 6.2 The EEDI technical file identification/verification number
- 6.3 The EEDI technical file verification date

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at
(Place of issue of certificate)

(dd/mm/yyyy):
(Date of issue)

(Signature of authorized official
issuing the certificate)

(Seal or stamp of the authority, as appropriate)

APPENDIX IX**Information to be submitted to the IMO Ship Fuel Oil Consumption Database**

1. Identity of the ship:
 - IMO number
2. Period of calendar year for which the data is submitted:
 - Start date (dd/mm/yyyy)
 - End date (dd/mm/yyyy)
3. Technical characteristics of the ship
 - Ship type, as defined in regulation 2 of this Annex or other (to be stated)
 - Gross tonnage (GT)
 - Net tonnage (NT)
 - Deadweight tonnage (DWT)
 - Power output (rated power) of main and auxiliary reciprocating internal combustion engines over 130 kW (to be stated in kW)
 - EEDI (if applicable)
 - Ice class

Fuel oil consumption, by fuel oil type in metric tonnes and methods used for collecting fuel oil consumption data

- Distance travelled
- Hours underway

APPENDIX X

FORM OF STATEMENT OF COMPLIANCE — FUEL OIL CONSUMPTION REPORTING

Statement of compliance —fuel oil consumption reporting

Issued under the provisions of the Protocol of 1997, as amended, to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 related thereto (hereinafter referred to as “the Convention”) under the authority of the Government of:

.....
(full designation of the Party)

by
(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship

Name of ship

Distinctive number or letters

IMO Number

Port of registry

Gross tonnage

THIS IS TO DECLARE:

1. That the ship has submitted to this Administration the data required by regulation 22A of Annex VI of the Convention, covering ship operations from (dd/mm/yyyy) through (dd/mm/yyyy); and
2. The data was collected and reported in accordance with the methodology and processes set out in the ship’s SEEMP that was in effect over the period from (dd/mm/yyyy) through (dd/mm/yyyy).

This Statement of Compliance is valid until (dd/mm/yyyy)

Issued at
(Place of issue of certificate)

(dd/mm/yyyy):

(Date of issue)

(Signature of authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

**MEMORANDUM ON THE OBJECTS OF THE MARINE POLLUTION
(PREVENTION OF POLLUTION FROM SHIPS) AMENDMENT BILL,
2022**

1. Background

- 1.1 South Africa is a party to the International Convention for the Prevention of Pollution from Ships, 1973 (“Convention”), as amended by the Protocol of 1978. When the Convention was adopted by the International Maritime Organisation (“IMO”) in 1973, five Annexes formed part thereof and in 1997, the IMO adopted a Protocol. Through the 1997 Protocol, the Convention was amended to include Annex VI to the existing five Annexes.
- 1.2 In order to incorporate the Convention as amended by the Protocol of 1978, into South African law, the Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act No. 2 of 1986) (“principal Act”) was passed into law. Annex I, II, III and V of the Convention were incorporated into the principal Act, to the exclusion of Annex IV.
- 1.3 The Marine Pollution (Prevention of Pollution from Ships) Amendment Bill, 2021 (“Bill”) therefore proposes amendments to the principal Act, by incorporating Annex IV and Annex VI of the Convention. This led to the development of the Bill. The objective of the Bill is to broaden the powers of the Minister of Transport (“Minister”) to make regulations, to give effect to Annex IV and VI of the Convention.

2. Objectives

The Bill proposes amendments to the principal Act, so as to give effect to Annex IV of the Convention, to incorporate the 1997 Protocol in order to give effect to Annex VI of the Convention and to provide for matters connected therewith.

3. Clause by clause analysis

3.1 Clause 1

- 3.1.1 Clause 1 of the Bill proposes an amendment to the definition of the word “Convention” in order to make provision for the inclusion of annexes, regulations and protocols.

3.2 Clause 2

- 3.2.1 Clause 2 of the Bill proposes an amendment to section 2 of the principal Act by the insertion of a new section 2A, which provides for the incorporation of the Convention into South African law so as to enable it to have the force of law in the Republic of South Africa. Clause 2 also proposes the insertion of a new section 2B which provides for technical standards for maritime transport.

3.4 Clause 3

- 3.4.1 Clause 3 of the Bill proposes an amendment to section 3 of the principal Act by broadening the powers of the Minister to make regulations relating to, amongst others, the prevention of air pollution from ships, the prevention of pollution by sewage from ships and any other incidental administrative or procedural matters that are necessary for the proper implementation of the principal Act.

3.5 Clause 4

- 3.5.1 Clause 4 of the Bill proposes an amendment to section 3A of the principal Act by increasing a fine in the event of non-compliance, from

R500 000 to R10 million and proposes a period of imprisonment from five to 10 years.

3.6 Clause 5

3.6.1 Clause 5 of the Bill proposes an amendment to section 3 of the principal Act by the insertion of a new section 3B, which provides for the powers of the Minister in relation to the proper administration of the principal Act.

3.7 Clause 6

3.7.1 Clause 6 of the Bill proposes amendments to the principal Act by adding annexes IV and VI in the Schedule to the principal Act.

3.8 Clause 7

3.8.1 Clause 7 of the Bill provides for the short title and commencement of the Act.

4. Parties consulted

South African Maritime Safety Authority (SAMSA); Department of Environment, Forestry and Fisheries; Department of Planning, Monitoring and Evaluation; ESEID and ICTS Clusters; Western Cape Provincial Government; Nelson Mandela Metropolitan University; Maritime Law Association of South Africa; South African Association of Agents and Ship Owners; and Bowmans Law.

5. Financial implications

There will be no additional financial implications as a result of the enactment of the Bill. New additional inspections requirements will be funded through reprioritisation in the approved budget of the South African Maritime Safety Authority; additional services to the industry pertaining to collection and testing of fuel samples will be on the principle of the user pay basis.

6. Parliamentary procedure

6.1 The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with the procedure outlined in section 76 of the Constitution of the Republic of South Africa, 1996.

6.2 The State Law Advisers are of the opinion that it is not necessary to refer the Bill to the National House of Traditional Leaders as the Bill contains no provisions which directly affects customary law or the customs of traditional or Khoi-San communities as envisaged in section 39(1)(a)(i) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019.)