

# Ship pollution reduction: the EU legal context ECAs and Global sulphur in fuel limits Issues of alternative compliance technologies



CLEAN ARCTIC ALLIANCE WEBMINAR 'THE END OF AN END OF PIPE SOLUTION' 21 November 2023

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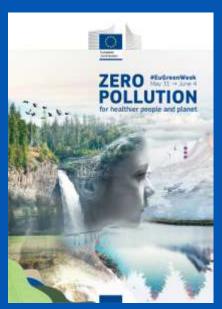
## (Ship) Emissions under the EU Green Deal (I)

**Zero pollution Action Plan - COM (2021) 400** – air, water & soil, 20+ COM law proposals -new *Nature Restoration Law/Environmental Crime Directive* 

- Ongoing: Urban Waste Waters, Water pollutants;
- > Implementation: Water Reuse; Drinking Water / microplastics.
- **COMMISSION WORK PLAN 2024 water/sea**
- Evaluation of the Marine Strategy Framework Directive
- ☐ Water Resilience initiative—incl. source to sea aspects

<u>Synergies:</u> Ambient Air Quality Directive review: aligns with WHO guidelines, ports, environmental impacts (acid. eutroph.)

2024 - 2nd Zero Pollution Monitoring and Outlook Report



## (Ship) Emissions under the EU Green Deal (II)

#### Sustainable and Smart Mobility Strategy - COM(2020)789:

'Zero-emission large scale ocean-going vessels market-ready by 2035'

- ☐ Climate neutrality/Fit for 55:
- Fuel EU Maritime -> decarbonisation and energy/fuel transition, reduce ship emissions and noise at no harm levels also in ports (2030 OPS for big ships)! + compl. AFIR, RED, EE, ETS, ETD ....
- ☐ New Emission Control Areas in EU waters
- ☐ Review of Ship Source Pollution Directive
- illegal EGCS residue/water discharges

**2024 - 2nd EMTER report (EMSA+EEA)** – largest Ship water discharges (77%) are from EGCS OL



## EU concerns on EGCS discharges to the sea (1)

- □ Scientific and technical Evidence -several studies and data show clear-cut negative impacts/ toxicity of EGCS waters discharges on marine environment (BE, SE, DE, EL, NL, FI, incl. EU funded, EC/EEA/EMSA reports under MSFD and WFD on contaminants, GESAMP, regional Quality Status Reports…).
- □ EU Policy Coherence after 2015 SECA rule protection of sea waters quality, marine biodiversity
- □ Polluter Pays/Precautionary principles, Higher global Awareness (incl. from IMO work) led to increasing number of bans (mostly ports) but increased patchwork of regional regulations



## EU concerns on EGCS discharges to the sea (2)

#### Economic considerations

- □ EGCS allowed as compliance technology given the *transitional* 2015 SECA high fuel costs -> but high uptake for 2020 global cap [~ 5%]
- ☐ Is the economic case for EGCS covering cost to health, environment and society at large? ~1 year return of investment for EGCS option

Coherence with GHG developments (ships equipped with EGCS have higher speeds; delay phase out of high sulphur fossil fuels, ...

Enforcement Issues: remote sensing dectect non compliance, inspector knowledge/training, malfunctioning/use of high S fuel



### Elements to be considered by PPR11

- ☐ Maturity of IMO process, 'clear cut' science?
- □ Need for Mandatory Requirements: compatibility content/language of a Regulation vs 2022 EGCS Guidelines?
- □ Geographical Scope, definitions: Interface legal conflict with UNCLOS -> legal advice from IMO on Article 56(1)
- ✓ Restrictive application, conditions for adoption by States?
- ✓ Reference document?
- ✓ [Timeline/investment made grand fathering ?]

EU Position in MEPC 80/5/5, not ready for PPR11



### Other ship 'discharges' to the sea

- □ North West Med protected area (PSSA): to reduce ships collision with cetaceans, adopted by IMO in 2023 -> blue speeds
- □ 2023 IMO Guidelines on reduction of underwater radiated noise
- Work Plan -dissemination, incentivisation, R&I, measures (ship design and operation)
- ✓ linkages GHG/Energy Efficiency trade offs (fuel consumption, air pollutants, biofouling, ..)





#### Conclusions

- □ EU is highly concerned about the EGCSs discharges' impacts on the marine environment. Its poorer health also comes at a cost to society!
- □ IMO has a crucial role to play: we need now legal clarity also to ensure level playing field for all sea-related economic activities globally.
- ☐ MARPOL Rules and Investment made by industry should also focus on a 'life-cycle' approach through more sustainable compliance technologies.
- ☐ We need to establish a regulatory basis also in view of developments on alternative compliance for CO2/NOx/PM control developments
- □ EC/EU favours to work with IMO states and stakeholders before considering any action at the EU level

## Thank you





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