

MARINE ENVIRONMENT PROTECTION
COMMITTEE
83rd session
Agenda item 10

MEPC 83/10/3
14 February 2025
Original: ENGLISH
Pre-session public release:

POLLUTION PREVENTION AND RESPONSE

Comments on the outcomes of PPR 12

Submitted by FOEI, WWF, Pacific Environment and CSC

SUMMARY

Executive summary: This document recalls dialogue at PPR 12 concerning output 1.23 and considers the value of a potential IMO resolution to protect vulnerable areas from EGCS impacts.

*Strategic direction,
if applicable:* 1

Output: 1.23

Action to be taken: Paragraph 7

Related documents: MEPC 83/10/1, MEPC 83/5/1; MEPC 81/5/4, MEPC 81/INF.36; MEPC 76/9/1; MEPC 81/INF.36, MEPC 81/5/4; MEPC 79/5/3; PPR 12/INF.15; PPR 11/7/3 and PPR 9/INF.21

Background

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.5) and comments on document MEPC 83/10/1 (Secretariat).

2 The twelfth session of the Sub-Committee on Pollution Prevention and Response (PPR 12) was tasked with advancing the remaining work under output 1.23 (Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas), as set out in annex 3 to document MEPC 77/WP.8 (Secretariat). The Sub-Committee noted that, following the invitation of PPR 11 for further proposals on the identification and development of regulatory measures and instruments, no new submissions had been received from Member States.

3 In the ensuing discussion, divergent views were expressed on how to proceed (see PPR 12/WP.1/Rev.1, paragraph 7.10). Several delegations called for the adoption of restrictions on EGCS to address harmful impacts on the environment, while others favoured strengthening existing non-binding guidelines rather than introducing new regulations. Several delegations suggested that, at a minimum, EGCS use should be avoided in specific areas, referring to documents MEPC 82/5/4 (FOEI et al.) and PPR 12/7/2 (Norway) (see PPR 12/WP.1/Rev.1, paragraph 7.11). One delegation referring to document

MEPC 82/5/4 urged the Organization to adopt a resolution requiring ships to suspend EGCS discharge waste in coastal areas and marine protected areas, critical habitats for endangered species, special areas, IMO-designated Particularly Sensitive Sea Areas (PSSAs) and other ecologically vulnerable zones (see PPR 12/WP.1/Rev.1, paragraph 7.17). Concerns were also raised about the suitability of EGCS as a compliance mechanism in Emission Control Areas (ECAs), citing information presented in document PPR 12/INF.15 by Canada.

4 The co-sponsors note document MEPC 83/5/1 by Canada, which concludes that ships using scrubbers and heavy fuel oil (HFO) do not produce emissions that are equivalent to compliant low-sulphur fuels, and questions whether EGCS should be considered an equivalent compliance mechanism under MARPOL Annex VI, regulation 4 and regulation 14.

An IMO resolution can complement the remaining work under output 1.23

5 Efforts related to EGCS should align with the Organization's broader objectives, including reducing pollution, slowing biodiversity loss and climate change, and supporting the transition to compliant fuels. These efforts should also uphold MARPOL Annex VI's overarching principle of mitigating shipping's negative impact on air quality, human health, and the environment.

6 Considering and developing regulatory provisions will require further deliberation and PPR 12 invited interested Member States and international organizations to submit new concrete proposals to PPR 13 on regulatory measures addressing discharges of EGCS discharge water, reflecting the latest available data and taking into account work conducted so far. Recognizing the potential for irreversible harm to the marine environment in the interim, the co-sponsors recommend that the Committee adopt an MEPC resolution urging Member States and ship operators not to use EGCS in specific areas, including: IMO-designated Particularly Sensitive Sea Areas (PSSAs), special areas, emission control areas (ECAs), national and international designated protected areas, critical and important habitats for endangered and threatened species, and highly vulnerable areas such as the Arctic. This recommendation aligns with the advice provided by the International Council for the Exploration of the Sea (ICES) in document MEPC 76/9/1. Some elements for consideration for inclusion in a resolution are included in the annex to this document.

Action requested of the Committee

7 The Committee is invited to consider the recommendations outlined in paragraph 6 and take appropriate action.

ANNEX

ELEMENTS FOR CONSIDERATION FOR INCLUSION IN A POTENTIAL RESOLUTION TO PROTECT VULNERABLE SEA AREAS FROM EGCS IMPACTS

The following elements are proposed for consideration for inclusion in a draft resolution to protect vulnerable sea areas from EGCS impacts:

- .1 Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships;
- .2 resolution MEPC.176(58), a revised MARPOL Annex VI which significantly strengthens the emission limits for sulphur oxides (SO_x);
- .3 MEPC's work plan agreed at the seventy-eighth session which includes developing rules and guidance for EGCS with a view to addressing concerns over potential negative impacts on the marine environment as set out in annex 3 to document MEPC 77/WP.8;
- .4 the general and specific obligations established by the United Nations Convention on the Law of the Sea concerning the protection and preservation of the marine environment including for example articles 192, 194, 195, 196, 211, 212 and 222;
- .5 the precautionary principle which requires preventative, precautionary, and anticipatory action to avoid degradation of the marine environment even in cases of scientific uncertainty (see *Guidelines on incorporation of the precautionary approach in the context of specific IMO activities*, resolution MEPC.67(37));
- .6 reference to the impacts of EGCS discharges including acidity and levels of harmful substances which are persistent and bioaccumulative (e.g. MEPC 76/9/1);
- .7 reference to the use of EGCS not resulting in equivalent particulate matter and Black Carbon benefits (e.g. MEPC 83/5/1, PPR 12/INF.15 and PPR 9/INF.21);
- .8 reference to EGCS posing a threat to regions which are vulnerable to international shipping activities;
- .9 the absence of international regulations presenting a fundamental challenge for controlling EGCS in sea areas beyond the limits of national jurisdictions as well as in regions requiring special protection;
- .10 that the development of any mandatory control measures will require further work and time;
- .11 the criteria for equivalent compliance under regulation 4 of MARPOL Annex VI ("Equivalents") and the overarching purpose of regulation 14 of mitigating shipping's negative impact on air quality, human health, and the environment; and

- .12 the proposed action that Member States and ship operators should avoid using EGCS in IMO-designated Particularly Sensitive Sea Areas (PSSAs), special areas, emission control areas (ECAs), national and international designated protected areas, critical and important habitats for endangered and threatened species, and highly vulnerable areas such as the Arctic.
-