

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic
Meeting of the Environmental Impacts of Human Activities Committee (EIHA)
Ireland (Kinsale) and online: 7-11 April 2024

Appeal to ban EGCS discharge

Presented by Seas At Risk (SAR)

Issue: This document presents presents Seas At Risk's support for the proposal on banning discharge of discharge water from EGCS (Exhaust Gas Cleaning System) in a zone of 12 nautical miles in the OSPAR Maritime Area.

Action requested

1. EIHA is invited to:

- a. **Note** the increasing urgency of regional regulations to protect the marine environment from discharge water from EGCS, and that the ongoing discussions at the IMO regarding EGCS emission factors encourage such regional regulations,
- b. **Support** further consideration of an OSPAR measure regulating discharge water and **agree** on proposing a ban on EGCS discharge in a zone of 12 nautical miles in the OSPAR Maritime Area at the 2025 OSPAR Ministerial Meeting.

Background

2. There is scientific consensus that EGCS discharges release harmful pollutants, including polycyclic aromatic hydrocarbons (PAHs), heavy metals, and other toxic substances, into the marine environment¹. These contaminants not only pose immediate risks but also accumulate in marine ecosystems, leading to long-term damage to biodiversity and creating significant barriers to achieving Good Environmental Status (GES).

3. Together with 13 other NGOs, SAR submitted a letter² to the OSPAR Secretariat in January 2025 to make the OSPAR Secretariat aware of the problems of EGCS discharge water and to emphasize the pressure for action in the OSPAR region with regard to a discharge ban of discharge water from EGCS. Specifically, the letter advocates for a decision on banning discharge of discharge water from EGCS in a zone of 12 nautical miles in the OSPAR Maritime Area at the 2025 OSPAR Ministerial Meeting.

¹ See Annex 1 for reference list.

² See Annex 2 for a copy of the letter to the OSPAR Secretariat dated 24 January 2025

The need for EGCS measures within the OSPAR maritime area

4. The discussion at the IMO is ongoing and the current focus is on the EGCS emission factors.
 - a) Discussions during PPR 11 (IMO's Sub-Committee in Pollution Prevention and Response, document PPR 11/18 Section 7) and its outcome are clear indicators of the high relevance and dire need of the development of regulatory measures and instruments on the discharge from EGCS.
 - b) During PPR 12 (PPR 12/WP.1/Rev.1), despite ongoing discussions, no progress towards a potential discharge ban at global level could be reached as divergent views prevented the consensus for a single solution between member states.
 - c) Given the absence of progress on global regulation at IMO, and the obligation of states to take all necessary measures under article 194 paragraph 1 UNCLOS, including individual actions as appropriate³, adopting regional regulations remains the best possibility to jointly and urgently protect water quality in the OSPAR Maritime Area.
5. An array of regional regulation in the field is already in place.⁴ Most recently, Denmark, Finland and Sweden have decided to implement national EGCS discharge bans starting in 2025.⁵

Conclusions and next steps

Call for action

6. Given the well-established risks of EGCS discharge water, OSPAR should fulfil its duty to protect the marine environment pursuant to the OSPAR Convention. By advancing the discharge ban, OSPAR would demonstrate its commitment to adaptive, proactive and science-based decision-making, which justifies the existence of a regional body complementary to other international institutions. OSPAR should interpret the outcomes of PPR 11 and PPR 12 as a clear signal from the IMO to implement regional actions to protect the marine environment within the OSPAR framework. Delaying action would set a concerning precedent, implying that progress on regional protection can be indefinitely postponed in favour of global-level consensus, even when robust evidence supports immediate intervention.
7. Consequently, SAR advocates for a proposal to ban discharge of discharge water from EGCS in a zone of 12 nautical miles in the OSPAR Maritime Areas to be sent to the 2025 OSPAR Ministerial Meeting for adoption.

³ ITLOS Advisory Opinion, Para. 202; [C31 Adv Op 21.05.2024 orig.pdf](#).

⁴ <https://theicct.org/publication/marine-scrubber-bans-and-restrictions-jun23/>

⁵ <https://mim.dk/nyheder/pressemeddelelser/2024/april/bred-politisk-aftale-danmark-forbyder-udledning-af-scrubbervand-fra-skibe-til-havmiljoet>
<https://www.offshore-energy.biz/its-official-sweden-bans-scrubber-discharges/>

Annex 1

Hermansson, Anna Lunde. (2024). *Holistic assessment of ship scrubbers, with emphasis on the marine environment*. Doctoral Thesis at Chalmers University of Technology, Department of Mechanics and Maritime Sciences, Gothenburg, Sweden. ISBN: 978-91-8103-076-1. Serial number 5534. ISSN: 0346-718X.

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Berlin, 24 January 2025

Dear OSPAR Secretariat,

We deeply value the crucial role that OSPAR plays in driving ambitious and science-based regional marine protection efforts. OSPAR's long-standing commitment to safeguarding marine ecosystems serves as a model for regional cooperation.

We are aware of the ongoing discussions regarding the **planned 12-nautical-mile discharge ban for wastewater from exhaust gas cleaning systems (EGCS)**. While we have not yet engaged with the Secretariat on this specific topic, we would like to share our perspective and raise concerns about recent reports suggesting that discussions might be delayed.

From our perspective, deferring action on this issue contradicts the principles and commitments that underpin OSPAR's mission to protect and conserve the marine environment of the NorthEast Atlantic. For instance, the **precautionary principle is central to addressing environmental risks** where uncertainty exists. Given the nature of EGCS wastewater and the established risks, **waiting for consensus at the IMO would be a missed opportunity for OSPAR to exercise leadership in protecting the North-East Atlantic.**

Rather, **the outcomes of PPR 11 should be seen as a strong endorsement of the necessity for regional regulations** regarding the disposal of EGCS wastewater. These outcomes also encourage individual states to adopt such regional measures. **OSPAR should interpret this as a clear signal from the IMO to implement regional actions** to protect the marine environment within the OSPAR framework. Moreover, **coastal states have the right to ban discharges within their territorial waters**, and the rights of shipowners to pollute should not outweigh the rights of coastal states to protect these waters. Therefore, **OSPAR should make unified efforts to support coastal states in their right to a clean marine environment.**

The IMO discussions on emission factors, while important, should not delay action where harm is already evident. While ongoing debates at the IMO may focus on the precise extent of the impacts, there is clear evidence that EGCS wastewater has negative consequences for marine ecosystems. **Numerous studies have conclusively demonstrated** that scrubber discharges release harmful pollutants, including polycyclic aromatic hydrocarbons (PAHs), heavy metals, and other toxic substances, into the marine environment. These contaminants not only pose immediate risks but also accumulate in marine ecosystems, leading to long-term damage to biodiversity and **creating significant barriers to achieving Good Environmental Status (GES)**. This underscores the need for urgent preventive measures, irrespective of unresolved discussions on the exact magnitude of the harm.

OSPAR's goals should be driven by its own commitments to the precautionary principle and the protection of marine ecosystems. Consequently, **the 12-nautical-mile discharge ban for wastewater from EGCS should be adopted at the OSPAR ministerial meeting in summer 2025** regardless of the ongoing discussions at the IMO about the precise quantification of the EGCS' emissions factors.

Delaying action would also set a concerning precedent, implying that progress on regional protection can be indefinitely postponed in favor of global-level consensus, even when robust evidence supports immediate intervention. **By advancing the discharge ban, OSPAR would demonstrate its commitment to proactive, science-based decision-making, reinforcing its role as a regional leader in marine conservation.**

Thank you for considering our input.

Yours sincerely



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Cittadini per l'aria
Anna Gerometta



Clean Arctic Alliance
Eelco Leemanns



Clean Shipping Coalition
Delaine McCullough



Ecologistas en acción
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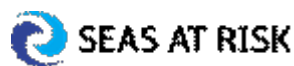
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Seas at Risk
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Zero - associação sistema
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