

EXPLANATORY STATEMENT 03 of 2011

Resolution MEPC.202(62): Amendments to the Annex of the 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 Adopted at London on 15 July 2011

Practical and legal effect

1. The treaty action proposed will amend international regulations for the prevention of air pollution from ships, by declaring an area surrounding the islands of the Commonwealth of Puerto Rico and the United States Virgin Islands to be an emission control area (ECA). These islands have coastal boundaries with the North Atlantic Ocean and the Caribbean Sea.
2. The main purpose of declaring an area of the sea to be an ECA is to protect people living near the coast from the detrimental effects of pollution from ships' emissions. Ships operating in an ECA are required to take measures to reduce emissions of sulphur oxides, nitrogen oxides and particulate matter.
3. The declaration of the new ECA is expected to have no impact on Australia. It is highly unlikely that any Australian ship will travel through the new ECA or that any ship will travel through the new ECA as part of a voyage to or from Australia.
4. The amendments also exempt steamships operating in the existing North American ECA or the new US Caribbean ECA from the requirement to use low sulphur fuel. Again, this not likely to affect Australian shipping.

Nature and timing of proposed treaty matter

5. The International Convention for the Prevention of Pollution from Ships as modified by the Protocol of 1978 relating thereto (collectively known as MARPOL) is one of the key international instruments addressing the problem of marine pollution from ships. MARPOL was amended by a Protocol in 1997 to add a new Annex VI (Prevention of Air Pollution from Ships, [2007] ATS 37).
6. At its 62nd session in July 2011, by Resolution MEPC.202(62), the Marine Environment Protection Committee of the International Maritime Organization (IMO) adopted amendments to Annex VI of MARPOL to declare an area surrounding the islands of the Commonwealth of Puerto Rico and the United States Virgin Islands to be an ECA ("the proposed amendments").
7. In accordance with the amendment procedure set out in MARPOL, the proposed amendments will be deemed to have been accepted on 1 July 2012 unless, prior to that date, not less than one-third of the Parties or Parties, the combined fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to IMO their objection to the amendments. Upon acceptance, the proposed amendments will enter into force generally on 1 January 2013.

Reasons for Australia to take the proposed action relating to the treaty matter

8. Australia's endorsement of Resolution MEPC.202(62) is consistent not only with Australia's long-standing support for protection of the marine environment, but also with Australia's active backing of, and participation in meetings of, IMO.

Implementing legislation

9. No amendments will be required to Australian legislation to implement the proposed treaty action.