

EXPLANATORY STATEMENT 06 OF 2009

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

(Revised MARPOL Annex VI)

Practical and legal effect

1. The International Convention for the Prevention of Pollution from Ships (MARPOL) is one of the key international instruments addressing the problem of marine pollution. MARPOL contains six technical annexes dealing with oil, bulk noxious liquid substances, harmful substances in packaged forms, sewage, garbage and air pollution. The Protocol of 1997, adopted on 26 September 1997, added Annex VI, Regulations for the Prevention of Air Pollution from Ships, to MARPOL. The 1997 Protocol entered into force generally on 19 May 2005 and for Australia on 7 May 2007.

2. The treaty action is Resolution MEPC.176(58), adopted by the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO), which revises Annex VI of MARPOL to further reduce harmful emissions from ships. The practical, financial and legal effect of these amendments for Australia is negligible. It primarily involves a purely technical change to reduce the global sulphur level in shipping fuel oil. The amendment proposes a two-step reduction in the global sulphur cap from the current 4.5 per cent to 0.5 per cent in 2020. There is not expected to be any cost impact from the initial step on Australian vessels or fuel suppliers, and the second step is subject to a review in 2018 before it is confirmed.

Nature and timing of proposed treaty matter

3. In accordance with the amendment procedure set out in MARPOL, the amendments will be deemed to have been accepted on 1 January 2010 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 amendments will enter into force internationally on 1 July 2010.

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

4. Australia's endorsement of Resolution MEPC.176(58) is consistent with Australia's active participation in the IMO and international best practice.

Implementing legislation

5. The revised Annex VI will be implemented by amendment to the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*. The amending legislation is currently being prepared with the aim of introduction in the Autumn Sittings. Administration and enforcement will be by way of established procedures applied to other Annexes of MARPOL, primarily through port State control inspections. The Australian Maritime Safety Authority will amend an existing Part of Marine Orders and will also develop revised Instructions to Surveyors and/or Classification Societies, based on IMO guidelines.