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4 August 2021

Maritime New Zealand
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To whom it may concern,

Invitation to Comment
Marine Protection Rules: Proposed Part 199: Prevention of Air Pollution from Ships

Thank you the opportunity to comment on the proposed marine protection rules. The New Zealand Marine Transport Association supports the principle that Annex VI requirements should apply to New Zealand flagged ships where possible and make the following comments on Maritime NZ’s proposal to tailor some requirements to suit New Zealand’s context.

Areas where discretion may be applied by Annex VI party states	Maritime New Zealand’s proposed approach	NZ Marine Transport Association comments
Part 2: Fuel requirements		
Administrations may allow for ship operators to meet the Sulphur oxide limits using equivalent means to achieve the limits	Proposal 2.1: The rules will enable the Director to approve equivalent means, such as exhaust gas cleaning systems or other technologies, to meet the Annex VI emission limits	The NZMTA supports this proposed approach.
Ships at or over 400 GT must keep on board fuel samples, and bunker delivery notes. Administrations can consider whether to apply this requirement to smaller ships	Proposal 2.2: Ships at or over 400 GT must comply with the requirements to obtain fuel samples and bunker delivery notes	The NZMTA supports this proposed approach but recommends that the rule reflect the option to allow operators to hold bunker delivery notes (required to be held on board for 3 years) in the business office where the ship is unable to store these onboard.
Part 3: Engine emissions (NO_x)		
Ships with engines over 130 kW output power must meet the Nitrogen Oxides (NO _x) emission limits if they were constructed: a. on or after 1 January 2000 if they travel internationally, and b. on or after either 1 January 2000 or after 19 May 2005 if they do not travel internationally Administrations may choose to apply either date in b. above	Proposal 3.1: Domestic travelling ships must comply with the NO _x emission limits if they were constructed on or after 19 May 2005	The NZMTA supports this proposed approach but seeks information on the availability and cost of low Sulphur fuels and fuel supply infrastructure for the domestic maritime fleet in New Zealand. These factors need to align with the rule implementation date so as not to disrupt operations. We also request information from Maritime NZ on how this rule will be applied to the recreational fleet with pre-19 May 2005 engines over 130kW.

Administrations must determine when ships, that are not already subject to a survey regime, should have the Engine International Air Pollution Prevention (EIAPP) certificate issued	Proposal 3.2: Unless proposal 3.3 applies, domestic travelling ships, constructed after 19 May 2005, that have an engine over 130 kW and are subject to a survey schedule must be issued with the EIAPP certificate at the next intermediate or renewal survey after the rules come into effect, but no later than three years after the commencement date. Those ships that do not have a survey schedule should have an EIAPP certificate on board by three years after the commencement date	The NZMTA seeks clarity on what alternative engine emission standard might be approved by the Director under Proposal 3.3 below.
Administrations may apply alternative measures to ensure domestic travelling ships meet the NO _x emission limits	Proposal 3.3: Domestic travelling ships constructed after 19 May 2005, that have non-marine (automotive/land-based) engines over 130 kW output power may, instead of holding an EIAPP certificate, use evidence of compliance with an alternative engine emission standard approved by the Director	The NZMTA seeks clarity on what alternative engine emission standard might be approved by the Director under Proposal 3.3. We also seek information on the application of this proposal to the recreational fleet.
Administrations need to ensure the NO _x emission limits and certification requirements are applied to all current and future ships flagged to their state that have engines over 130 kW output power	Proposal 3.4: NO _x emissions limits and certification requirements will apply to any ship registered in New Zealand on or after the commencement date that has an engine over 130 kW output power, regardless of its date of construction	The NZMTA supports this proposed approach.
Part 4: Energy efficiency requirements		
Administrations need to consider how to apply the Chapter 4 energy efficiency requirements to domestic travelling ships	Proposal 4.1: New Zealand will apply all Chapter 4 energy efficiency requirements to domestic travelling ships	The NZMTA seeks information on how Maritime NZ will apply this requirement.
Administrations may apply a waiver to exclude for some new ships at or over 400 GT from complying with the Energy Efficiency Design Index (EEDI), but cannot waive the requirements for ships constructed after 1 January 2017	Proposal 4.2: New Zealand-flagged ships at or over 400 GT must comply with the EEDI at next intermediate or renewal survey if they were constructed on or after 1 January 2017	The NZMTA seeks information on how Maritime NZ will apply this requirement, i.e. who will conduct tests, approval of Recognised Organisations (RO), approve EEDI Technical Files. We also consider that ships constructed after 1 January 2017 should be given two (2) years from the commencement date of this rule to comply, rather than at next intermediate or renewal survey. Some vessels built in 2017 may have surveys due within weeks of the implementation of the rule. This will give operators time to comply.
Administrations need to ensure the EEDI requirement is applied to all current and future ships flagged to their state	Proposal 4.3: Any ship at or over 400 GT registered in New Zealand on or after commencement date that was constructed on or after 1 January 2013 must have an EEDI	The NZMTA supports this proposal, but request information on how vessel owners will meet the requirement. We request that guidelines be published at the same time the rule is published.
Administrations need to ensure all ships at or over 400 GT have either the EEDI or the Energy Efficiency Existing Ship Index (EEXI) applied	Proposal 4.4: New Zealand-flagged ships at or over 400 GT must comply with the EEXI at next intermediate or renewal survey if they were constructed before 1 January 2017	Our comments are as per Proposal 4.2. above.

Part 5: Control of other air pollutants		
International travelling ships at or over 400 GT that have rechargeable systems that contain ozone depleting substances (ODS) must maintain a list of equipment containing ODS and an ODS Record Book. Administrations may apply this requirement to domestic travelling ships	Proposal 5.1: Ships at or over 400 GT that have rechargeable systems that contain ozone depleting substances (ODS) must maintain a list of equipment containing ODS and an ODS Record Book	The NZMTA supports this proposed approach.
Ships constructed since 1 January 2000 must comply with incinerator specification and certification requirements. Administrations have the discretion to apply this requirement to domestic travelling ships constructed since 19 May 2005 instead of 1 January 2000	Proposal 5.2: All ships with shipboard incinerators constructed since 1 January 2000 must meet the Annex VI incinerator specification and certification requirements	N/A
Administrations need to implement the shipboard incinerator requirements to all current and future ships flagged to their state that were constructed after 1 January 2000	Proposal 5.3: Shipboard incinerator operation requirements will apply where a ship is registered in New Zealand on or after commencement date, regardless of its date of construction	N/A
Part 6: Survey and certification		
International travelling ships at or over 400 GT must be certified with: <ul style="list-style-type: none"> the International Air Pollution Prevention (IAPP) certificate after an initial or renewal survey that demonstrates compliance with all Chapter 3 requirements, and the International Energy Efficiency (IEE) certificate at next intermediate or renewal survey that demonstrates compliance with all Chapter 4 requirements. Administrations need to consider how to apply Annex VI certification requirements to domestic travelling ships	Proposal 6.1: Domestic travelling ships at or over 400 GT that are compliant with Chapter 3 requirements will be certified with the New Zealand Air Pollution Prevention (NZAPP) certificate; and those that are compliant with Chapter 4 requirements will be certified with the New Zealand Energy Efficiency (NZEE) Certificate.	The NZMTA seeks information on how Maritime will implement these requirements. Guidelines on the process, surveyor and/or recognised organisation approvals and surveyor recognition to issue IEEC and IAPP certificates and conduct annual surveys. We are also concerned at the potential for significantly increased compliance costs and seek advice on how this might be regulated by Maritime NZ.
International travelling ships at or over 400 GT receive certification at the following surveys: <ul style="list-style-type: none"> the IAPP certificate is issued after an initial or renewal survey. This certificate lasts up to five years, and the IEE certificate is issued at the next intermediate or renewal survey. This certificate lasts the life of the ship Administrations need to consider when to apply Annex VI certification requirements to domestic travelling ships, and how long the certificates should be valid for	Proposal 6.2: Domestic travelling ships at or over 400 GT will be issued with the NZAPP and NZEE certificates at the same times prescribed by Annex VI for the IAPP certificate and the IEE certificate. These certificates will have the same length of validity as the IAPP and IEE certificates	Refer comments above

Part 7: Port reception facilities		
Administrations must provide port facilities for the reception of Ozone Depleting Substances (ODS)	Proposal 7.1: One or more ports will be directed to provide port reception facilities for ODS disposal	N/A
Administrations must provide port facilities for the reception of residues from an exhaust gas cleaning system (scrubbers)	Proposal 7.2: One or more ports will be directed to provide port reception facilities for scrubber waste disposal	N/A
Part 8: Offences and penalties		
Administrations need to determine how to enforce compliance with the Annex VI requirements within their jurisdiction	Proposal 8.1: Amendments to the Marine Protection (Offences) Regulations 1998 are proposed to add offences and penalties for noncompliance with the Marine Protection Rules Part 199	The NZMTA supports this proposed approach.

In summary, we support MARPOL Annex VI and the proposed rule for internationally travelling ships. We also support the proposed rule for the domestic fleet with respect to the environmental benefits but do have some concerns about the implementation process and associated costs.

The domestic fleet has already been heavily burdened by increased compliance costs over the past five years, some now paying between 300 and 500% more than the pre-MOSS period, with increased surveyor costs and maritime levies. By way of example, we have provided examples of how the proposed new rule will impact domestic vessels:

1. **New roll-on roll-off ferry, built 2020, 497 GT, 2 x 350kW main engines, 2 x 90kW Aux**

- EIAPP certificate to Tier III required for both main engines
- Technical fuel required from engine maker for both main engines
- Record book of engine parameters with critical spares and maintenance conducted
- Bunker receipts required for fuel less than 0.5% Sulphur retained on board for 12 months
- Bunker samples retained on board
- Approved Energy efficiency plan required
- EEDI to be calculated by RO
- International Energy Efficiency Certificate (IEEC). required
- Annual survey required for compliance to IAPP
- IAPP certificate endorsed annually

2. **Fishing vessel, built 2005, 1079 GT, fitted with 780 kW main engine and 2 x 170 kW Aux. Incinerator provided.**

- EIAPP certificate to Tier 1 required for main and both Aux engines
- Technical fuel required from engine maker for all engines
- Type approval certificate required for incinerator
- Record book of engine parameters with critical spares and maintenance conducted
- Bunker receipts required for fuel less than 0.5% Sulphur retained on board for 12 months
- Bunker samples retained on board
- Approved Energy efficiency plan required
- Annual survey required for compliance to IAPP
- IAPP certificate endorsed annually

3. Tug, built April 2015, 310 GT, 2 x 2350 kW mains, 2 x 90 kW aux
- EIAPP certificate to Tier III required for both main engines
 - Technical fuel required from engine maker for both main engines
 - Record book of engine parameters with critical spares and maintenance conducted
 - Bunker receipts required for fuel less than 0.5% Sulphur retained on board for 12 months
 - Bunker samples retained on board
 - Approved Energy efficiency plan required
 - EEDI to be calculated by RO
 - International Energy Efficiency Certificate (IEEC). required
 - Annual survey required for compliance to IAPP
 - IAPP certificate endorsed annually

We respectfully request further information from Maritime NZ on how the approval of Recognised Organisations and/or Surveyors will take place and who will provide training and oversight of parties charged with inspecting and certifying domestic ships. We also seek assurance that adequate resources to service the fleet will be in place before the rule is published.

Furthermore, whilst the proposed rule Part 199 refers to New Zealand ships, it is not clear whether this also applies to recreational craft. Specific to our sector, Section C1, MR199.340 does not exclude them, and for this reason, we seek information on how these requirements will be applied to recreational craft. We consider that they must also play their part in preventing air pollution and reducing emissions.

The NZ Marine Transport Association believe that the protection of our environment takes precedence and the New Zealand commercial maritime fleet wants to play its role in significantly reducing emissions.

We thank you for the opportunity to submit comments and welcome any feedback or questions you may have.

Yours sincerely,

Margaret Wind
Executive Director
NZ Marine Transport Association