

Training on EU maritime legislation for newcomers

Environment & Shipping Key EU Environmental legislation

Life on Earth depends on healthy oceans



Oceans and seas cover 71% of the Earth's surface



Europe has a 70 000 km coastline along two oceans and four seas: Atlantic and Arctic Oceans, Baltic, North Sea, Mediterranean and Black Sea



Oceans perform services essential to human life: ecological services (e.g., climate regulation) food, energy, resources for local economies, Recreation

Environmental impact of shipping



Pollution



Introduction of alien species in ballast water



Air emissions



Climate change



Ocean acidification



Habitat Degradation



Noise/Ship strikes

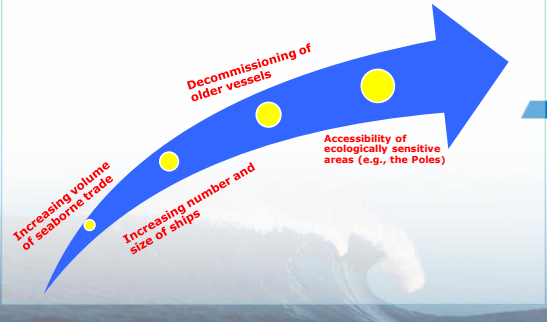


Ship dismantling



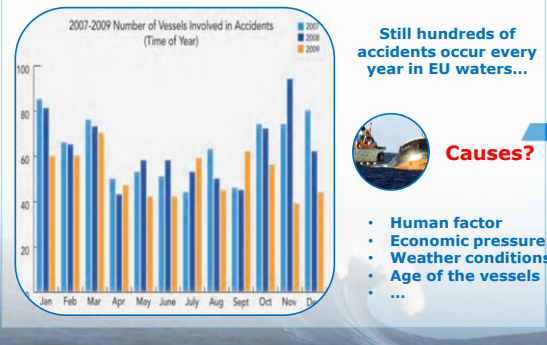
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Increasing trend!



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Accidental Pollution



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Operational Discharges

~ 80% of ship-source pollution

Often illegal, in violation of int.nal rules

- Cost-saving
- Lack of adequate PRFs
- Lack of effective control/enforcement
- Recommendatory nature of many int.nal instruments



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Common Policy on Safe Seas (1993)

"safer seas and cleaner oceans"



filling gaps of int'nal regime



protect competitiveness of the EU shipping industry



focus on preventing maritime accidents by combating sub-standard shipping

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Key Environmental legislation



Port waste reception facilities

• Directive 2000/59/EC



Double-hull regulation

• Regulation (EC) 1726/2003



Antifouling System regulation

• Regulation (EC) 782/2003



Sulphur content in marine fuels

• Directive 2005/33/EC amending Dir.1999/32/EC



Sanctions for intentional or seriously negligent pollution

• Directive 2005/35/EC, as amended by Directive 2009/123/EC



Waste shipment regulation

• Regulation (EC) 1013/2006

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Key Environmental Areas of EMSA

Regulation 1406/2002

to provide technical and scientific assistance to COM and MS in proper development and implementation of EU legislation on [...] pollution by ships

- Waste Delivery in Ports
- AFS
- Air emission + GHGs
- Ballast water management
- Pollution sanctions and liability rules
- Report. of hazardous material (SSN)
- CSN and Pollution response

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Key environmental legislation



Antifouling systems

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Prohibition of organotin compounds on ships (Antifouling systems)



Bio-fouling (=attachment of living organisms to ship's hull) can result in increased fuel and maintenance costs



In 1960s **organotin compounds (TBT)** introduced in antifouling paints



TBT coatings → **adverse impact on non-target organisms**, bioaccumulation to **human food chain**

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Prohibition of organotin compounds on ships
 International regime



2001 IMO International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS)

Phasing out of organotin antifouling coatings by 1 September 2008

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EU Legislation



EC Regulation 782/2003 on the prohibition of organotin compounds on ships = transposes AFS convention and promotes its early implementation

EC Directive 76/769/EEC as amended by Commission Directive 2002/62/EC restricting the marketing and use of organotin compounds

Commission Regulation 536/2008 establishing, inter alia, procedures for checking compliance and control

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Antifouling requirements (Reg. 782/2003)

From 1 st July 2003	For ships flying the flag of, or operating under the authority of a Member State.	Organotin compounds which act as biocides in anti-fouling systems shall not be applied or re-applied on ships during any change or replacement of the AFS*.
From 1 st January 2008 (amended by Reg. 536/2008)	For ships flying the flag of, or operating under the authority of, a Member State and, after the entering into force of the AFS Convention (17/9/08) to those sailing to or from ports of the Member States.	Shall not bear organotin compounds*

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* unless they bear a coating that forms a barrier to such compounds to prevent them leaching from the underlying non-compliant anti-fouling

Antifouling System- EMSA's role



Technical assistance in the revision and implementation of Regulation 782/2003

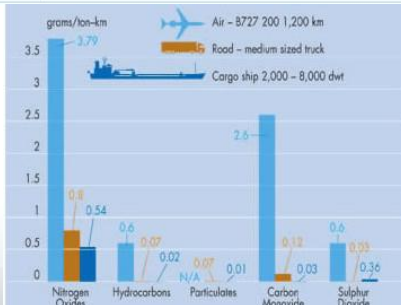


Follow up international developments on this topic

Key environmental legislation



Reducing air pollution



Source: NTM (Swedish Network for Transport and the Environment)

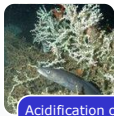
REDUCING AIR POLLUTION

Sulphur content in marine fuels



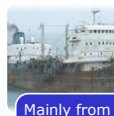
SOx:

- Dominant source of air pollution in EU port cities
- Air quality problems on land



Acidification of natural ecosystems

- Main threat to biodiversity
- Impact on human health



Mainly from cargo ships over 500 GR

- 45% from EU flagged ships, and
- ~ 20% within 12 n.m.

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REDUCING AIR POLLUTION

International Regime

MARPOL Annex VI

- 1997, i.f. 2005
- 65 Parties (90% GT)

Deals with

- Air pollution by ozone depleting substances (SOx, Nox)
- Limits on SOx content in marine fuels and NOx controls for new engines
- Sox Emission Control Area (SECA)

Amendment

- 2008, i.f. 1 July 2010
- Additional restrictions on SOx and Nox
- Compliance with SOx restrictions using exhaust gas cleaning systems
- Emission Control Areas (ECA) for SOx, NOx, PM



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REDUCING AIR POLLUTION

EU regime



Directive 2005/33/EC on sulphur content of marine fuels

SOx limits in marine fuels similar to MARPOL Annex VI in SECAs

Stricter SOx limits for **passenger ships** on **regular services TO/FROM EU ports** and **ships at berth in EU ports** (as from 1.01.2010)

Compliance using exhaust gas cleaning systems

Sampling fuels and reporting obligations

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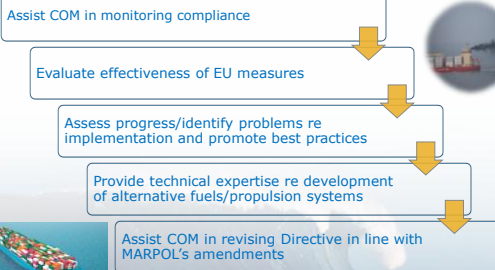
No restrictions on NOx and PM

Sulphur content of marine fuels

	2005/33/EC	MARPOL Annex VI	MARPOL Annex VI (future)
SECA	1.5%	1%	0.1% (1/1/2015)
Passenger Ships	1.5% (11/08/06)		
Others	0.1% in EU Ports (1/01/10)	3.5%	0.5% (1/1/2020)

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REDUCING AIR POLLUTION- EMSA's Role



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Key environmental legislation



Ship-source pollution

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Ship-source pollution: **International regime**



MARPOL, ARTICLE 4

Parties **shall sanction** any MARPOL violations within their jurisdiction under their national law and **set penalties** adequate in severity to discourage violations

Sanctions shall be equally severe irrespective of where the violation occurs

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Directive 2005/35/EC on Ship-source pollution and introduction of penalties for infringements, as amended

Objective :
to ensure compliance with MARPOL in EU waters by

- incorporating **MARPOL standards** into EU law
- ensuring that persons responsible for pollution are subject to adequate penalties, including criminal penalties



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Directive 2005/35/EC on Ship-source pollution, as amended

Discharges are **infringements** if committed with intent; recklessly or by serious negligence

MSs must establish **effective, proportionate and dissuasive** penalties, including **criminal sanctions**

Applicable to **owner, master + any responsible natural or legal person**

Discharges within **internal waters, TSs, international straits, EEZs, HSs** in accordance with international law

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Directive 2005/35/EC, ART. 10(2), Role of EMSA



Work with MSs in developing **technical solutions** and providing technical assistance in relation to the implementation of this Directive, in actions such as **tracing discharges by satellite monitoring and surveillance** (CleanSeaNet)



Assist COM in implementing Directive, including visits to MSs

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Key environmental legislation



Issues not covered by EU legislation

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International Shipping is responsible for 2.7% of global CO2 emissions



Source: NTM (Swedish Network for Transport and the Environment)

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Greenhouse gasses- International regime



No international/EU rules yet, but high on the Agenda



Current discussions on construction, operation and use of more efficient ships/equipment and market-based instruments



IMO likely to introduce rules on GHG emissions from ships via amendments to MARPOL ANNEX VI (when?)

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Greenhouse gasses- EMSA's Role

Assist COM in collecting background information on CO₂ emissions from ships in EU and available solutions

Actively participate in IMO programme of work on GHG

Assist COM and MSs in assessing voluntary/mandatory technical and market-based instruments to meet future reduction targets

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Invasive Alien Species in Ballast Waters



BW ensure stability and manoeuvrability of ships

<10,000 marine species/day may be transported in BW tanks and introduced into a non-native environment



major ecological, socio-economic damage and affect human health

Effective management of ballast waters in EU waters is a priority for the EU



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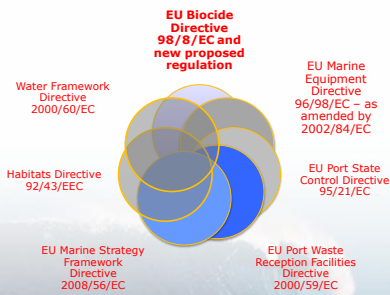
Ballast Water Management International regime



2004 Ballast Water Convention (not yet in force)

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Relevant EU Legislation



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EU actions



EU Ballast Water Action Plan



Coordinated
by EMSA,
developed in
cooperation
with COM and
MSs



To assist and
prepare MSs for
the
ratification/entry
into force/
enforcement
BWMC



To develop
interim
national or
regional
strategies

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Ballast Water Management EMSA's role



Assist MSs in **ratifying**
BWM Convention



Actively participate in
IMO work (sampling)



Assist COM in
development of **interim**
measures within Reg.
Sea Conv.s



Assist COM and MSs in
identifying need for
further action at the EU
level

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ANY QUESTION?

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**THANK YOU FOR
LISTENING**



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