

**Environmental Policy  
Bay 2/08  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG**

Tel: +44 (0)23 8329 100  
Fax: +44 (0)23 80329 204  
E-mail: environment@mcka.gov.uk

29<sup>th</sup> April 2014

Dear Consultee

**Consultation on the draft Merchant Shipping (Prevention of Air Pollution from Ships) and Motor Fuel (Composition and Content) (Amendment) Regulations 2014 implementing EU Directive 2012/33/EU on the sulphur content of marine fuel**

1. This consultation seeks the views of industry on the Governments proposals for implementing EU Directive 2012/33/EU (the Directive). The purpose of the Directive is to take account of changes to the regime governing the sulphur content of marine fuels internationally. The Directive amends a previous measure (Directive 1999/32/EC, as amended) to align it with the revised Annex VI (Prevention of Air Pollution from Ships) of the International Convention for the Prevention of Marine Pollution (MARPOL) adopted in 2008. The revised Annex VI introduces stricter limits than those found in the existing European regime and in order to ensure coherence with international law, development of the 2012 Directive was necessary.

**Problem under consideration**

2. The impact of air pollution has been recognised globally and in response, steps have been taken to reduce the presence of contaminants in the atmosphere.
3. In recent years, the EU has tackled the problem of air pollution by limiting the sulphur content of liquid fuels (Directive 1999/32/EC). This has resulted in steps being taken to reduce the levels of sulphur emitted by land based sources and air transport. However, despite these measures, most European countries have found it difficult to meet the necessary standards for air quality emissions. Further steps are necessary to reach these targets - including looking at other sulphur emitting industries. As the shipping industry makes wide-spread use of low quality fuel, which results in significant amounts of Sulphur Oxides (SOx) and Particulate Matter being released in to the atmosphere, it has now become the main focus of efforts to reduce SOx air pollution.
4. With a significant proportion of the world's shipping fleet registered amongst the Member States and more than 80,000 different vessels estimated to call at European

ports every year it is clear that shipping related to the EU is having a significant impact on the atmosphere. Likewise, as the UK is an island nation surrounded by major shipping routes, emissions from shipping are a major determinant of air quality in the UK. To date, emissions from maritime sources have not received the same level of scrutiny as land based sources and as a result shipping continues to emit sulphur at significant levels. The relative level of pollution associated with the shipping sector continues to increase and, if no further action is taken, vessels would be expected to be responsible for over 50% of sulphur emissions in the EU as a whole by 2020.

### **What are the objectives of this proposed Policy**

5. The objective is to reduce the emissions of sulphur that result from the combustion of certain fuels, the intended effect of which is to improve air quality. This will be achieved by imposing limits on the sulphur content of such fuels or permitting alternative technology that delivers at least the same reduction in emissions. This will ensure that emissions from UK ships, and ships in UK waters will fall.

6. It is expected that such measures will also produce health and environmental benefits for those residing in the UK, especially in the vicinity of a maritime hub.

7. Health effects of air pollutants arise through their inhalation and penetration into the lungs. This can cause breathing problems, trigger asthma, reduce lung function and cause lung diseases. The implementation of this measure is expected to reduce these adverse impacts on health.

### **Summary of the Provisions**

8. The draft regulations require that:

- The sulphur content of fuel for ships operating within a designated Sulphur Emission Control Area (SECA – including the North Sea/English Channel) must not exceed 0.1% from 1 January 2015.
- Outside of designated SECAs the sulphur content of fuel will be limited to 0.5% in European waters from 1 January 2020.
- These limits can also be achieved using alternative fuels or the use of abatement systems such as exhaust gas cleaning systems (EGCS), often referred to as “scrubbers”.

9. It should also be noted that this proposed measure introduces requirements developed at UN level by the International Maritime Organization. This international instrument - MARPOL Annex VI - includes a wide range of requirements aimed at reducing the emissions from vessels including elements addressing Nitrogen Oxides (NOx).

10. This transposition does not contain any of the NOx requirements of MARPOL Annex VI as these do not form part of the Directive. Further legislation dealing with

NOx will be developed when the IMO has completed its work on the entry into force of the NOx requirements.

11. The draft regulations make minor, consequential amendments to the liquid fuel regime to reflect definitional changes made in the parent Directive. These do not carry any costs or have any impact on the motor fuel regime, and as such have not been assessed within the Impact Assessment.

### **Invitation to comment on the draft regulations and associated documents**

12. Consultees are invited to comment on the consultation package – in order to facilitate consultee comments we have identified a series of questions you may wish to consider – these are attached at Annex G of this package and cover general questions relating to the proposed regulations and guidance.

13. Please ensure that when answering these questions or responding to the consultation that supporting evidence is provided, including, where appropriate, details of costs or benefits.

### **Period of consultation**

14. The consultation will last for a period of 8 weeks and all comments should be provided in writing or email to:-

Sulphur Consultation  
Environmental Policy Branch  
Maritime and Coastguard Agency  
Bay 2/08, Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

Email: [environment@mcga.gov.uk](mailto:environment@mcga.gov.uk)

### **To arrive no later than 1 July 2014**

15. Consultation comments, and the response, will be published as soon as possible after the consultation period has finished.

16. If your address details require any amendment, or you consider there are any other persons who should be consulted, please advise us accordingly.

## **Consultation Package**

With this letter is a consultation package on the draft transposing Regulations containing the following documents:-

Annex A: Draft of The Merchant Shipping (Prevention of Air Pollution from Ships) and Motor Fuel (Composition and Content)(Amendment) Regulations 2014.

Annex B: Consultation stage Impact Assessment on the proposed regulations.

Annex C: Draft Merchant Shipping Notice.

Annex D: Draft Marine Guidance Note.

Annex E: Draft Explanatory Memorandum and Transposition Note.

Annex F: List of Consultees.

Annex G: Consultation Questions:

Annex H: Consultation feedback form.

## **Freedom of Information Act**

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you would like the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The MCA will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

The consultation is being conducted in line with the Government's key consultation principles. Further information is available at:

<https://www.gov.uk/government/publications/consultation-principlesguidance>

If you have any comments regarding the conduct of this consultation please contact the Consultation Co-ordinator at [consultation.coordinator@mcga.gov.uk](mailto:consultation.coordinator@mcga.gov.uk). We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you could complete and return the attached feedback form (at Annex H). These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

