



MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 4

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PREVENTION OF AIR POLLUTION FROM SHIPS

Consideration of the appropriate instrument for a mandatory regime to address GHG emissions

Submitted by the United Kingdom

SUMMARY

<i>Executive summary:</i>	This document considers the need for a mandatory instrument to address GHG emissions from shipping and the form that instrument could take
<i>Strategic direction:</i>	7.1
<i>High-level action:</i>	7.1.1
<i>Planned output:</i>	7.3.1.3
<i>Action to be taken:</i>	Paragraph 16
<i>Related document:</i>	MEPC 58/4

Introduction

1 The United Kingdom has followed with interest discussions regarding the need for a mandatory instrument to address the issue of GHG emissions from shipping. Set against decarbonization in other sectors, and given the predicted growth in shipping volumes, it is essential for the shipping sector to limit its emissions, although it is already the most carbon efficient means of transport. Given that there is considerable potential for the abatement of GHG emissions and scope for improved fuel efficiency in ships, the United Kingdom is firmly of the view that such an instrument is necessary and that it should be developed within IMO.

2 The United Kingdom has considered what form a legal instrument could take and would suggest that early identification of this would send a strong signal to the wider world that IMO Parties intend to address this issue in a robust manner and further facilitate the discussions on the most suitable mechanisms for limiting GHG emissions.

3 The United Kingdom would note that this document is not seeking to endorse a particular mechanism for limiting GHG emissions. Instead, this document considers the options for a future legal framework within IMO through which economic instruments may be implemented.

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Details of the proposal

4 The United Kingdom has considered a range of options available to IMO to address GHG emissions from shipping, including the addition of measures to address GHG emissions to Annex VI of MARPOL 73/78, the development of an additional annex to MARPOL 73/78 and the development of a stand-alone legal instrument.

5 Consideration of the general approach has taken into account similar discussions over Ballast Water, Ship Recycling and, most recently, Biofouling. Presented below is a brief outline of the advantages and disadvantages offered by the three approaches.

Amendment to Annex VI of MARPOL 73/78

6 Amendment of Annex VI would avoid the need to develop a new annex and/or stand-alone instrument, would have the advantage of being mandatory and would avoid the need to develop new text to address the basic obligations already incorporated in MARPOL 73/78 presented by a new stand-alone instrument.

7 However, there are two conceptual problems with GHG being included in MARPOL 73/78:

- .1 GHG is not considered a “pollutant” in the same sense as those emissions currently governed by MARPOL 73/78; and
- .2 GHG has a global rather than local/regional impact.

8 Furthermore, while limitation of GHG emissions in other sectors is handled on the basis of reviewing a sectors historic emissions and applying restrictions, or a “cap” to this baseline, MARPOL 73/78 addresses emissions on a “per ship” basis, without including aggregate global caps on these emissions, the key element for delivering cost-effective reductions.

9 Finally, there is a serious practical issue with including GHG in Annex VI: it will require States to adopt a further revision of the Annex. Reopening the debate on the current revisions to Annex VI or developing a further revision both have the potential to delay implementation of the new SO_x and NO_x standards at MEPC 58 and this would be a significant loss given the importance of these amendments for improving global air quality.

‘Annex VII’ to MARPOL 73/78

10 A new Annex to MARPOL 73/78 would provide an opportunity to draft a new measure that would benefit from the settled structure and basic obligations of MARPOL 73/78. It would also facilitate quicker development than a stand-alone instrument and avoids the concerns about delaying the currently negotiated amendments to Annex VI.

11 However, the same conceptual problem occurs as for amending MARPOL Annex VI, in that the Annex addresses local/regional pollution on a “per-ship” basis but does not restrict the aggregate emissions of the maritime industry. Moreover, the treatment of pollution in the MARPOL context is restricted to the treatment of specific pollution arising in specific areas from specific incidents. GHG emissions affect the environment on a global scale, and therefore it may be considered that any addition of GHG emissions to MARPOL would alter the character of MARPOL and run the risk of attempting a similar solution to a different problem.

New international convention

12 Developing a new convention would overcome the potential confusion and complications that could arise from linking the measure to either Annex VI or MARPOL 73/78. Such a convention could identify appropriate mechanisms without compromises based upon precedent and would therefore be more likely to be “fit for purpose” in addressing GHG emissions.

13 In addition, a separate instrument would send a clear signal that IMO Parties view GHG emissions from ships as a very serious issue and consider it important enough to merit the considerable investment of time and effort required to produce a new instrument.

14 It should be noted that the development of a new instrument could take a considerable period of time and would require the greatest level of effort from Parties to draft a new instrument from first principles. This must be set against the additional flexibility such a new instrument will afford in addressing GHG emissions from shipping in an effective manner rather than seeking to adapt existing instruments that may be inappropriate for dealing with GHG emissions.

Conclusion

15 The United Kingdom view is that due to the high profile, complexity and importance of this issue it would be advisable to develop an independent convention under the auspices of IMO. This would allow maximum flexibility in the scope of the instrument, avoid complicating the existing environmental regime for shipping found in MARPOL and provide a clear signal that IMO is addressing GHG emissions from the sector.

Action requested of the Committee

16 The Committee is invited to consider the United Kingdom’s comments and endorse the general position that a successful system to manage greenhouse gas emissions from shipping will require a legal instrument to be developed under the auspices of IMO separately from the existing MARPOL 73/78.
