



MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
61st session  
Agenda item 4

MEPC 61/4/4  
22 July 2010  
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## **PREVENTION OF AIR POLLUTION FROM SHIPS**

### **Ozone-depleting substances – correct purchasing procedures**

#### **Note by the Secretariat**

##### **SUMMARY**

*Executive summary:* This document reports the outcomes of liaison with the Ozone Secretariat of UNEP related to correct procedures when purchasing certain refrigerant gases for shipboard use in foreign ports and presents information provided by the European Commission

*Strategic direction:* 7.3

*High-level action:* 7.3.1

*Planned output:* 7.3.1.1

*Action to be taken:* Paragraph 7

*Related documents:* MEPC 57/4/19, MEPC 57/21, MSC-MEPC.1/Circ.3, MEPC 60/4/27 and MEPC 60/22

#### **Background**

1 As described in document MEPC 60/4/27 (Secretariat), the IMO Secretariat has been approached by regional and national ozone coordinators in connection with a possible uncertainty in the shipping industry related to correct procedures when purchasing hydrochlorofluorocarbons (HCFCs) in foreign ports for use in ship's refrigeration systems while calling at foreign ports, which is summarized in document MEPC 60/4/27 (Secretariat). This uncertainty may possibly result in problems for ships in need of purchasing such gases in foreign ports, and a potential gap in data collection and reporting of import/export of ozone-depleting substances.

2 In considering document MEPC 60/4/27, MEPC 60 agreed that further information on correct procedures for purchasing of HCFCs in foreign (European) ports could be useful for maritime Administrations and the shipping industry, and that such information may be conveyed in the form of an MEPC circular. Moreover, the Committee requested the Secretariat to continue liaising with the United Nations Environmental Programme (UNEP) and its Secretariat for the Montreal Protocol (the Ozone Secretariat), and to prepare a draft MEPC circular for consideration at its next session (paragraph 4.7 of document MEPC 60/4/22).

**Coordination with UNEP**

3 The thirtieth meeting of Open-ended Working Group of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held in June 2010 in Geneva, Switzerland. In document UNEP/OzL.Pro.WG.1/30/2, the Ozone Secretariat brought to the attention of the Parties as follows:

"Sale of ozone-depleting substances to seagoing vessels

The Secretariat would like to bring to the parties' attention an issue that has arisen over the past several months in relation to the sale of ozone-depleting substances to seagoing vessels in a port of a country or territory other than the flag under which the vessel is registered. The case that has come to the Secretariat's attention involves an attempt by a cruise ship flying the flag of a Caribbean country to purchase HCFCs in a European port. The European port asked the cruise ship officials if they had a permit from the country under whose flag they were operating to purchase HCFCs. The cruise ship officials were not aware that they were required to have such a permit, and, when they consulted the ozone officer from their flag country, the latter was also not aware that the party had an obligation to issue a permit to import to enable ships sailing under its national flag to take on HCFCs in foreign ports. This incident raised the issue of how sales of ozone-depleting substances to vessels operating under a foreign flag should be counted in terms of national exports and imports. While failure to report related transactions would appear to leave a loophole in the global data reporting structure, it is also noteworthy that the parties have not directly addressed the issue, and that only they can, if they wish, provide definitive interpretation of the Protocol."

4 However, the above issue was not considered during the meeting as no Party raised it for discussion and, therefore, the Ozone Secretariat was not able to provide any clear position/guidance on this subject. In the absence of such guidance, it was not possible for the Secretariat to prepare draft MEPC circular for consideration by the Committee.

**Coordination with the European Commission**

5 The Secretariat also contacted the European Commission on the issue of exports of HCFCs in EU ports to non-EU flagged ships.

6 To address this issue, the European Commission has prepared information document: "Frequently asked questions – HCFC for ship servicing and export to ships as of 2010", which is posted on the website referenced below. While this document addresses EU exporters of HCFCs, it may be useful for maritime Administrations and the shipping industry to understand the European regulations on export of such gases that may include sale to ships flying non-EU flags.

<http://ec.europa.eu/environment/ozone/pdf/FAQ%20ship%20servicing.pdf>

**Action requested of the Committee**

7 The Committee is invited to note the information provided and take action as it may deem appropriate.