

# Āpitiḡanga VI o Te Tiriti - MARPOL Annex VI Treaty

## Background information and FAQs

### **MARPOL**

The International Maritime Organization (IMO) adopted the International Convention for the Prevention of Pollution from Ships (MARPOL) in 1973.

MARPOL came into force in 1983 and applies to ships registered ('flagged') to states party to it, wherever they operate. It aims to prevent and minimise operational and accidental pollution of the marine environment by ships.

There are 6 annexes categorised by pollution type.

New Zealand joined MARPOL in 1998 and following accession to Annex VI, will be party to 5 of the 6 annexes.

### **MARPOL Annex VI?**

MARPOL Annex VI aims to prevent and minimise air pollution from ships and is the primary international regulation for addressing the impacts of climate change on shipping. Over 100 other countries are party to Annex VI.

Annex VI seeks to address the impact of shipping emissions on:

- human health and environments in and around port communities, by regulating emissions of harmful pollutants from ships, including sulphur dioxides; and
- climate change and ozone layer depletion, through both air quality regulations and energy efficiency measures.

When a country becomes party to Annex VI, it applies to ships registered to that state, wherever they operate.

Since January 2020, countries that are party to Annex VI are required to reduce the sulphur content of any fuel used on board ships from 3.5% to 0.5%. Ships can also use an approved exhaust cleaning system known as a 'scrubber' to reduce emissions to a level equivalent to those from low sulphur fuel.

Sulphur dioxide can aggravate respiratory and cardiovascular conditions. It can trigger bronchospasm in asthmatics and its effects are heightened by exercise.

As well as large ships, some of the regulations apply to smaller ships and boats that operate in New Zealand waters, including recreational boats.

[After consultation in 2018–19](#), the Government announced that New Zealand would sign up to Annex VI from late 2021, taking into account the time required to align domestic legislation with obligations under Annex VI.

A range of domestic legislation has been changed to reflect the requirements of Annex VI. The [Maritime Transport \(MARPOL Annex VI\) Amendment Act 2021 \(the Act\)](#) came into force on 15 November 2021.

Passing the Amendment Act was one of the first steps taken to align New Zealand's legislation with the rules in MARPOL Annex VI. This includes new Marine Protection Rules Part 199: Prevention of air pollution from ships and changes to the Engine Fuel Specification Regulations 2011. These new laws will take effect in New Zealand on 26 August 2022.

Te Manatū Waka Ministry of Transport has worked with Maritime New Zealand and the Ministry of Business, Innovation and Employment to implement the new requirements under MARPOL Annex VI.

Information for the shipping industry and the new marine protection rules is on the Maritime New Zealand website [www.maritimenz.govt.nz/MARPOL](http://www.maritimenz.govt.nz/MARPOL).

Information for the fuel industry is available on the Ministry of Business, Innovation and Employment Trading Standards website: [www.tradingstandards.govt.nz](http://www.tradingstandards.govt.nz).

### **How will New Zealand's accession to MARPOL Annex VI be beneficial to the environment and New Zealand more broadly?**

MARPOL Annex VI is the primary international regulatory mechanism for addressing the climate change impacts from shipping. It seeks to address the impact of shipping emissions on:

- human health and environments in and around port communities, by regulating emissions of harmful pollutants from ships; and
- climate change and ozone layer depletion, through both air quality regulations and energy efficiency measures.

The National Interest Analysis paper identified that New Zealand's accession to MARPOL Annex VI would:

- reduce adverse public health effects of marine air pollution on communities close to ports and harbours;
- strengthen New Zealand's ability to play a credible role in IMO negotiations on climate change, and improve New Zealand's ability to work with like-minded parties to push for global ambition in future negotiations;
- improve New Zealand's ability to protect its trade and economic interests in negotiations on new GHG emissions reduction measures for ships; and
- provide for easier movement of New Zealand-flagged ships to other states, by aligning domestic and international processes.

## **Why has it taken so long to progress MARPOL Annex VI since Cabinet's decision in 2019?**

MARPOL is a wide-ranging maritime environmental convention. Over time six annexes have been added. New Zealand has high ambition to contribute to all supranational initiatives to combat climate change. New Zealand signed up to MARPOL in 1998, and since then New Zealand has signed up to five of the six annexes.

Annex VI was first developed in 2005. Since then, the range of requirements for ship operators included in Annex VI has been iteratively expanded. The most significant expansion to Annex VI commenced from 1 January 2020 with a new requirement for shipping fuels to reduce from 3.5% sulphur content down to 0.5%. This initiative gave Annex VI greater capability to affect a real reduction in global emissions from international shipping.

As a member of the International Maritime Organization (IMO), New Zealand was instrumental in supporting this fuel sulphur content change and in 2019 the Government agreed to commence the process to accede to Annex VI. Cabinet was advised at that time that late 2021 would be a realistic timeframe for New Zealand to accede. This provided a reasonable balance between competing stakeholder views, some of which asked for earlier accession, some later.

After following all due processes, including parliamentary treaty examination, developing new legislation; consulting widely with industry and the public; and cooperating with global governance procedures, New Zealand has successfully acceded to MARPOL Annex VI.

### **What ships will MARPOL Annex VI apply to?**

All foreign ships in New Zealand have to comply with Annex VI.

Similarly, New Zealand-flagged ships travelling to states that are party to Annex VI also have to comply.

Those ships only operating domestically will need to comply with new laws that reflect MARPOL Annex VI requirements, including new marine protection rules, from 26 August 2022.

### **How do ships comply with MARPOL Annex VI?**

There will be survey and certification requirements for ships to demonstrate that they are complying with limits on emissions of nitrogen oxides, sulphur oxides and particulate matter, volatile organic compounds, and ozone depleting substances.

### **How will this impact on cruise ships when they come back to New Zealand?**

Most cruise ships will already be compliant with Annex VI as they voyage internationally and visit many countries that have already signed up to MARPOL Annex VI.

The major change they will experience is that New Zealand will now have the legal authority to inspect these international vessels for compliance with Annex VI when they are in New Zealand.