**EXPLANATORY MEMORANDUM TO**

**THE MERCHANT SHIPPING (PREVENTION OF AIR POLLUTION FROM SHIPS) ORDER 2006**

**2006 No. 1248**

**1.** This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

## 2. Description

2.1 The Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto ("MARPOL") was further amended by the Protocol of 1997 which added the Regulations for the Prevention of Air Pollution from Ships. This Order will enable the Secretary of State to make regulations to implement those internationally agreed regulations domestically.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

## 4. Legislative Background

4.1 Section 128(1) (da) of the Merchant Shipping (Pollution) Act 2006 provides that an Order in Council may be made to implement that Protocol.

## 5. Extent

5.1 This instrument extends to the United Kingdom.

## 6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

7.1 The 1997 Protocol added Regulations for the Prevention of Air Pollution from Ships to MARPOL.

7.2 The Regulations require that a survey and certification scheme be established and regulate –

- ozone depleting substances;
- nitrogen oxides emissions from marine diesel engines;
- sulphur oxide emissions from marine diesel engines as a consequence of quality of fuel used;
- volatile organic compound emissions from tankers in ports or terminals;
- shipboard incineration of ship generated waste;
- reception facilities in ports to receive ozone depleting substances from ships;
- fuel oil quality delivered to and used on board ships; and

- compliance requirements where applicable for offshore platforms and drilling rigs.

7.3 A wide consultation was undertaken in 2004 on the regulations that will implement domestically the Regulations introduced by the Protocol of 1997 to MARPOL. In addition to that consultation a wide range of people involved in the shipping industry, including owners' representatives, shipping and seafarers' trade associations, the Unions and the Red Ensign Group, were involved in the discussions leading to the adoption of the Protocol of 1997.

## 8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

## 9. Contact

Capt C Thomas of the Maritime and Coastguard Agency : Telephone 02380 329402 or e-mail: colin.thomas@mcga.gov.uk can answer any queries regarding the instrument.