

Introduction to MARPOL Annex VI Ratification Processes and Requirements



National Workshop (virtual) on Ratification and Effective Implementation of
MARPOL Annex VI for Lebanon
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Content

- Parties' obligations and rights
- Why to become a Party?
- How to become a Party?
- MARPOL – How to do it
- Capacity needed to act as a Party

Parties' obligations and rights

- **General obligations:** Parties to ensure that:
 - Ensure **compliance of the ship** in their flag to the Convention
 - Ensure **compliance of the ship** visiting their ports.
 - Provision of **port reception facilities**, etc.
- **General rights:**
 - **Not being polluted** by ships from other Parties
 - Can **prosecute** or **penalize**
- **Main responsibilities:**
 - **Flag State responsibilities:** Implement regulations in their flagged ships via **survey and certification**
 - **Port State responsibilities:** Make sure ships of other parties and nations comply with regulations via **Port State inspections**

What about non-Parties?

- **No more favourable treatment:** Port States of Parties obliged to impose the conditions of the Convention on as non-Parties as well.
- Non-Parties, if polluted, they have “**no privilege under the Convention**” to prosecute the ships concerned.

Main justifications for becoming a Party?

- **Environmental** protection of national waters.
- Benefits to the industry (**economic** aspects).
 - Shipping
 - Flag
 - Seafaring
- **Political** objectives in becoming a member of international groups
- Country **brand and image** (e.g. environmentally, being a member of bigger club,)
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Main justifications for not becoming a Party

- Unavailability of **institutional and human capacities** for implementation
 - Flag administration duties
 - Port State Control duties
 - Reception facilities
- Unavailability of relevant **enabling national legislation** and regulations
 - For implementation and enforcement
 - For prosecution
- **Minimal benefits** (political or economical or environmental) for the country
- **Other legislative priorities** for the country.
- **Lack of political will.**

Ratification Process and Related Activities

Overall process of becoming a Party

- (Step 1) Understand the country's need and impacts and decide:
 - Find out justification for becoming a member.
 - Engage all the stakeholders.
 - Build consensus.
 - Make a decision on the subject.
- (Step 2) Prepare the enabling legislation (and regulations):
 - You must be able to give effect to the Convention 3 months after accession.
- (Step 3) Accede to MARPOL (write to IMO that you want to become a Party)
- (Step 4) Give effect to relevant Annexes via start of implementation and enforcement.

Accession to MARPOL Annex VI

- Accession
 - This is official acceptance by a country to become a Party
 - It is simply a declaration to IMO by country executive of joining the Convention.
 - Convention enters into force 3 months after accession date.

Regulatory Impact Assessment

- Before acceding, the government must decide decide:
 - If it is prepared to implement and enforce MARPOL Annex VI?
 - Benefits for the country?
 - Resources and capacity needed?
 - What the stakeholders' views are?
 - Etc.
- Best way to know the benefits/costs/impacts is to carry out a **national impact assessment** for this purpose.

Ratification assessment: Who takes part?

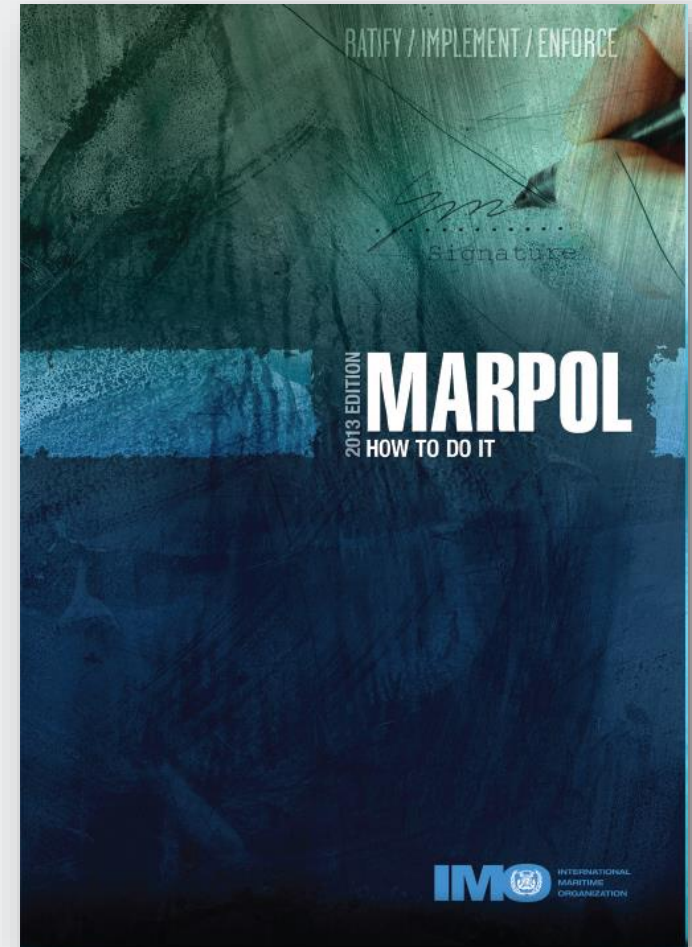
- Accession to MARPOL and its implementation require the participation of some or all of the following:
 - Government of the State (political body having power to conclude international agreements)
 - Administration – Legal
 - Administration – Maritime
 - Ship-owners
 - Port authorities
 - Etc.
- Consensus building between stakeholders is a good way forward.

Integrating MARPOL into national law - Legislation

- Before Accession, national legislation for implementation needs to be ready. Questions:
 - Does **existing legislation** supports the implementation and enforcement?
 - Is there a need for new legislation / regulations?
 - Incorporation into national law differs from a country to another; depending on their legal system.
 - Are there any existing **compliance and enforcement mechanisms**? Do they need updating?

MARPOL - How to do it

- Manual on the Practical Implications of Ratifying, Implementing and Enforcing MARPOL.
- Overview on what is covered by the articles, protocols and Annexes of the Convention.
- Overview on rights and obligations of all stakeholders (flag State, port State, coastal State, shipowner and to some extent shipbuilder).
- In addition to this, a publication (Toolkit) under GloMEEP project is also available that describes the process.



Capacity Building for Implementation and Enforcement

Institutional framework: Capacity for Flag State implementation

- There should be capacity for carrying out Flag State survey and certification
- This will entail:
 - Procedures
 - Dedicated personnel
 - Means of monitoring and reporting
 - Conducting actual surveys
 - Ship-board trials
 - Equipment testing surveys
 - Etc.
- Most of the work can be delegated to ROs in this regard (Class Societies).

Institutional framework: Capacity for PSC enforcement

- There should be capacity for carrying out PSC
 - Procedures
 - Dedicated personnel
 - Means of monitoring
 - Penalties and detentions
 - Reporting
 - Testing capability (for fuel oil for example)
 - Etc.

- Capacity building for the above is important prior to accession.

Self Assessment: True or False?

1. By being a non-Party, I can still impose the requirements of the Convention on foreign ships?
2. By being a non-party, my flag ships are exempt from PSC in other countries?
3. Accession means joining a Convention that already exists?
4. From date of accession, the new Party must give effect to the Convention after a period of maximum 6 months?
5. Development of national legislation is best to be done after the accession?
6. Inclusion of the Convention under national law could take different forms and processes in different countries?
7. A national “impact assessment or feasibility study” on the subject is not generally needed as the benefits and responsibilities are clear to all?

REMPEC, an IMO / UNEP Centre assisting the Mediterranean coastal States in ratifying, transposing, implementing and enforcing international maritime conventions related to the protection of the marine environment



Thank you

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