Introduction to MARPOL Annex VI Ratification Processes and Requirements

National Workshop (virtual) on Ratification and Effective Implementation of MARPOL Annex VI for Lebanon
10 December 2020

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- Why to become a Party?
- How to become a Party?
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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, ....)
- .........
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.
Before acceding, the government must 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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