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Athens, Greece, 10-13 September 2019

Agenda Item 5: Specific Matters for Consideration and Action by the Meeting, including Draft Decisions

Draft Decision: Road Map for the Possible Designation of the Mediterranean Sea Area as an Emission Control Area for Sulphur Oxides Pursuant to MARPOL Annex VI, within the Framework of the Barcelona Convention

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UNEP/MAP
Athens, 2019

Note by the Secretariat

The 19th Meeting of the Contracting Parties (COP 19) (Athens, Greece, 9-12 February 2016) to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (“the Barcelona Convention”) and its Protocols, adopted Decision IG.22/4 on the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021), hereinafter referred to as the Regional Strategy (2016-2021), which addresses the issue of the prevention of air pollution from ships in Specific Objectives 1 and 15.

In particular, Specific Objective 15 of the Regional Strategy (2016-2021) established a technical committee of experts, which worked through correspondence, nominated by the Contracting Parties to carry out a technical and feasibility study, to examine if it is appropriate, at the current stage, to put in place a road map for preparation of a submission to the International Maritime Organization (IMO) to designate as a sulphur oxides (SO_x) Emission Control Area (ECA) in certain areas of the Mediterranean Sea requiring specific environmental protection, and to explore possible further steps. The Regional Strategy (2016-2021) also requested the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) to prepare, with high priority, a study based on the input of Contracting Parties to the Barcelona Convention, aimed at assessing the feasibility of the alternatives referred to above.

The 20th Meeting of the Contracting Parties (COP 20) (Tirana, Albania, 17-20 December 2017) to the Barcelona Convention and its Protocols agreed to include in the United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP) Programme of Work and Budget 2018-2019 an activity aimed at examining the possibility of designating the Mediterranean Sea, or parts thereof, as SO_x ECA(s), under Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL) and effectively implementing the existing energy efficiency measures.

In this context and with a view to facilitating the implementation of this activity, which was financed by the Mediterranean Trust Fund (MTF) as well as the IMO’s Integrated Technical Cooperation Programme (ITCP) and a voluntary contribution from the Government of Italy, the SO_x ECA(s) Technical Committee of Experts, through correspondence coordinated by the Secretariat (REMPEC):

- reviewed the draft Terms of Reference for the provision of consultancy services for the preparation of the Technical and Feasibility Study, as prepared by the Secretariat;
- reviewed a draft generic questionnaire in support of the Technical and Feasibility Study, as prepared by the Secretariat;
- reviewed the draft Technical and Feasibility Study, as prepared by the Secretariat; and
- reviewed the revised draft Technical and Feasibility Study together with draft recommendations, including a draft road map as well as an initial draft submission to the IMO, as prepared by the Secretariat.

Subsequently, REMPEC organised the Regional Workshop on Ratification and Effective Implementation of MARPOL Annex VI (Valletta, Malta, 11-13 December 2018), pursuant to the UNEP/MAP Programme of Work and Budget for 2018-2019, which was financed by the IMO’s ITCP as well as the MTF and a voluntary contribution from the Government of France. Participants from sixteen (16) Mediterranean coastal States (including six which had not yet ratified MARPOL Annex VI), the European Union (EU), IMO, the Baltic Marine Environment Protection Commission - Helsinki Commission or HELCOM and a local Non-Governmental Organization (NGO) identified the main obstacles to ratification and effective implementation, explored possibilities for regional and sub-regional application and enforcement of the provisions of MARPOL Annex VI in the Mediterranean as well as discussed the draft Technical and Feasibility Study.

On the basis of the outcome of the work of the SO_x ECA(s) Technical Committee of Experts, including the Technical and Feasibility Study, the Thirteenth Meeting of the Focal Points of REMPEC (Floriana, Malta, 11-13 June 2019) discussed relevant issues and agreed in principle with the road map for the possible designation of the Mediterranean Sea Area as an emission control area for sulphur oxides pursuant to MARPOL Annex VI, within the framework of the Barcelona Convention, as set out in the Annex to the present Decision.

The present Decision relates to Strategic Outcome 2.7 (Identifying and tackling new and emerging issues, as appropriate) and Indicative Key Output 2.7.1 (Reviews/policy briefs developed and submitted to Contracting Parties on emerging pollutants, ocean acidification, climate change and linkages with relevant global processes) of the UNEP/MAP Mid-Term Strategy 2016-2021. It will be implemented through activity 2.7.1.2 (Examine the possibility of designating the Mediterranean Sea, or parts thereof, as SO_x Emission Control Area(s) under MARPOL Annex VI and effectively implement the existing energy efficiency measures), which will require the mobilisation of external resources to complement the MTF funding as appropriate (IMO's ITCP, voluntary or in-kind contributions from Contracting Parties to the Barcelona Convention), especially to carry out the further studies, as per the proposed UNEP/MAP Programme of Work and Budget 2020-2021.

Draft Decision IG.24/8

Road Map for the Possible Designation of the Mediterranean Sea Area as an Emission Control Area for Sulphur Oxides pursuant to MARPOL Annex VI, within the Framework of the Barcelona Convention

The Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols at their twenty-first meeting,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, endorsed by the United Nations General Assembly in its resolution 66/288 of 27 July 2012,

Recalling also the United Nations General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,

Recalling further the United Nations Environment Assembly resolution UNEP/EA.4/Res. 21 of 15 March 2019, entitled “Towards a pollution-free planet”,

Having regard to the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (2002), in particular article 4 thereof, whereby the Parties shall take measures in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships in order to ensure the effective implementation in that Area of the relevant international conventions in their capacity as flag State, port State and coastal State, and their applicable legislation,

Recalling further the Regional Strategy for Prevention of and Response to Marine Pollution from Ships, adopted by the Contracting Parties at their 14th Meeting (COP 14) (Portoroz, Slovenia, 8-11 November 2005), which, under Specific Objective 13, aimed at examining the possibility of designating the Mediterranean Sea as a sulphur oxides (SO_x) Emission Control Area (ECA) under Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL), hereinafter referred to as the proposed Mediterranean Emission Control Area (Med ECA),

Recalling further Decision IG.22/4 on the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) adopted by the Contracting Parties at their 19th Meeting (COP 19) (Athens, Greece, 9-12 February 2016), which, under Specific Objective 15, aims at examining the possibility of designating the proposed Mediterranean Emission Control Area (Med ECA) and effectively implementing the existing energy efficiency measures,

Acknowledging the role of the International Maritime Organization (IMO) and the importance of cooperating within the framework of this Organisation, in particular in promoting the adoption and the development of international rules and standards to prevent, reduce and control pollution of the marine environment from ships,

Having also regard to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL), in particular Annex VI thereof on regulations for the prevention of air pollution from ships, and regulation 14 thereof on sulphur oxides (SO_x) and particulate matter, as well as Appendix III thereto on criteria and procedures for designation of emission control areas (ECAs),

Conscious that international shipping must be regulated at the global level for any control regime to be effective and to maintain a level playing field for all ships,

Noting with concern the impacts of emissions of SO_x from ships on human health and the environment in the Mediterranean region and, *underlining* the importance of taking actions to deal with such an issue, including through the possible designation of the proposed Mediterranean Emission Control Area (Med ECA),

Recognising the benefits of designating the whole of the Mediterranean Sea as a SO_x Emission Control Area (ECA),

Highlighting the importance of providing continued assistance for the ratification and effective implementation of MARPOL Annex VI to the Contracting Parties to the Barcelona Convention, which so request,

Stressing the need to complete the knowledge gathering and to carry out further studies in support of the designation of the proposed Mediterranean Emission Control Area (Med ECA),

Noting that, as from 1 January 2020, in accordance with MARPOL Annex VI and relevant resolutions of the International Maritime Organization (IMO), the limit for sulphur in fuel oil used on board ships operating outside designated emission control areas (ECAs) will be reduced to 0.50% m/m from 3.5% m/m, which will bring about substantive influence on the fuel supply and other related businesses,

Emphasising the importance of designating the proposed Mediterranean Emission Control Area (Med ECA),

Having considered the report of the Thirteenth Meeting of the Focal Points of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), held in Floriana, Malta, from 11 to 13 June 2019,

1. *Adopt* the road map for the possible designation of the Mediterranean Sea Area as an emission control area for sulphur oxides pursuant to MARPOL Annex VI, within the framework of the Barcelona Convention, set out in the Annex to the present Decision;

2. *Agree* to extend the mandate of the Mediterranean Action Plan (MAP) SO_x Emission Control Area (ECA)(s) Technical Committee of Experts, until 30 April 2021, to oversee during the 2020-2021 biennium the completion of the following knowledge gathering and the preparations of the following further studies, including the development of their respective terms of reference, through correspondence coordinated by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), when examining the possibility of designating the proposed Mediterranean Emission Control Area (Med ECA):

(a) Knowledge gathering:

- synopsis of the assessment;
- quantification of the impacts associated with deposition of PM_{2.5} and air toxics;
- additional detail of land-based emissions controls of SO_x and PM in the Mediterranean coastal States; and
- additional elements on the economic impacts on shipping engaged in international trade.

(b) Further studies:

- additional economic impact evaluation, more precisely:
 - analyses of the impacts on shipping engaged in international trade as well as on trade modal shift outside the Mediterranean; and

- analyses of the impacts on short-sea shipping activity as well on the social and economic development for islands, insular and remote areas.
- additional fuel supply and technology analyses (regional fuel production, fuel availability, and alternative compliance technologies).

3. *Request* the Secretariat (Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea, REMPEC) to update the initial draft submission to the International Maritime Organization (IMO) for the possible designation of the Mediterranean Emission Control Area (Med ECA), under the guidance of the Mediterranean Action Plan (MAP) SO_x Emission Control Area (ECA)(s) Technical Committee of Experts referred to in paragraph 2. above in line with the agreed road map;

4. *Call upon* the Contracting Parties to provide full support, both technically, in terms of expertise, and financially, in terms of voluntary contributions, where appropriate, to the further work of the Mediterranean Action Plan (MAP) SO_x Emission Control Area (ECA)(s) Technical Committee of Experts in order to ensure that the above-mentioned knowledge gathering is completed and the above-mentioned further studies are carried out in a coordinated, timely and effective manner;

5. *Encourage* the Contracting Parties to the Barcelona Convention to ratify and effectively implement MARPOL Annex VI, if they have not yet done so, as soon as possible;

6. *Underline* the need to ensure the necessary synergy in supporting these efforts, through the technical cooperation and capacity-building activities carried out by the International Maritime Organization (IMO), the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), the European Commission and the European Maritime Safety Agency, in the Mediterranean region; and

7. *Request also* the Secretariat (REMPEC) to prepare an information document related to the adoption of the present Decision and submit it to the next session of the International Maritime Organization (IMO)'s Marine Environment Committee for its consideration.

Annex

Road Map for the possible Designation of the Mediterranean Sea Area as an Emission Control Area for Sulphur Oxides pursuant to MARPOL Annex VI, within the Framework of the Barcelona Convention

1 Introduction

This road map outlines the process towards the possible designation of the Mediterranean Sea Area, as defined in Article 1 of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (“the Barcelona Convention”), as an emission control area (ECA) for sulphur oxides (SO_x) pursuant to Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL), within the framework of the Barcelona Convention, hereinafter referred to as the proposed Med ECA, elaborating the goals, steps, timetable, including milestones and actions, which serve this purpose.

2 Goals

The goals of the process are two-fold:

1. to reach consensus amongst the Contracting Parties to the Barcelona Convention with a view to formulating a joint and coordinated proposal on the designation of the proposed Med ECA to the International Maritime Organization (IMO); and
2. (only if consensus is reached) to submit the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO in accordance with the rules and procedures established by the Organization, to have the proposal assessed and approved by the Organization that may consider, adopt and bring into force an amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, and to have the proposed Med ECA effectively entering into force within a reasonable and practical timeframe, as defined by the Contracting Parties to the Barcelona Convention.

3 Steps

Main steps (2020-2021):

- Continued assistance provided for the ratification and effective implementation of MARPOL Annex VI to the Contracting Parties to the Barcelona Convention, which so request.
- Completion of the necessary knowledge gathering¹;
- Carrying out of the further studies to more fully address the criteria and procedures for designation of emission control areas laid down in Appendix III to MARPOL Annex VI²;
- Updating of the initial draft submission to the IMO based on the completed knowledge gathering and the further studies carried out;
- Review of the outcome of the further studies by the SO_x ECA(s) Technical Committee of Experts;
- Review and validation of the draft IMO submission by the SO_x ECA(s) Technical Committee of Experts;
- Review, consideration and endorsement of a joint and coordinated proposal for the designation of the proposed Med ECA to the IMO, if any, by the 14th Meeting of the Focal Points of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC);
- Approval of a draft COP Decision on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO, if any, by the Meeting of the MAP Focal Points;

¹ As referred to in paragraph 2(a) of the present Decision.

² As referred to in paragraph 2(b) of the present Decision.

- Adoption of the COP Decision on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO, if any, by the 22nd Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 22).

Final steps (beyond 2021)³:

- Submission of the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO in accordance with the rules and procedures established by the Organization;
- Assessment of and, agreement to, the said proposal by the IMO's MEPC, if any;
- Consideration and approval of a draft amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA by the IMO's MEPC, if any, and request to the IMO Secretary-General to circulate it in accordance with article 16(2) of MARPOL, with a view to adoption at the next session of the IMO's MEPC;
- Circulation of the draft amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA by the IMO Secretary General to all Members of the Organization and all Parties at least six months prior to its consideration;
- Consideration and adoption of the draft amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA by the IMO's MEPC, if any;
- Determination of the date of bringing into force of the amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA by the IMO's MEPC, if any, in accordance with article 16(2)(f)(iii) of MARPOL;
- Deemed acceptance of the amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, if any;
- Bringing into force of the amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, if any; and
- Effective entry into force of the Med ECA, if any.

³ Only if consensus is reached amongst the Contracting Parties to the Barcelona Convention on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO.

4 Timetable

Main steps (2020-2021):

- National actions

Milestones	Actions
2020-2021 biennium	<ul style="list-style-type: none"> • Continued assistance provided for the ratification and effective implementation of MARPOL Annex VI to the Contracting Parties to the Barcelona Convention, which so request.

- Regional actions

Milestones	Actions
April – December 2020	<ul style="list-style-type: none"> • Completion of the necessary knowledge gathering⁴; • Carrying out of the further studies to more fully address the criteria and procedures for designation of emission control areas laid down in Appendix III to MARPOL Annex VI⁵; • Updating of the initial draft submission to the IMO based on the completed knowledge gathering and the further studies carried out; • Discussion within the SO_x ECA(s) Technical Committee of Experts that will be tasked to: <ul style="list-style-type: none"> ○ review the outcome of the further studies; and ○ review and validate the draft IMO submission.
by April 2021 (TBC)	<ul style="list-style-type: none"> • Submission of a Note by the Secretariat (REMPEC), including draft IMO submission, to the 14th Meeting of the Focal Points of REMPEC.
May 2021 (TBC) 14 th Meeting of the Focal Points of REMPEC	<ul style="list-style-type: none"> • Review and consideration of the Note by the Secretariat (REMPEC), including draft IMO submission; • Discussion on: <ul style="list-style-type: none"> ○ whether or not to submit a proposal to IMO for the designation of the proposed Med ECA; ○ the most appropriate timing for such a

⁴ as referred to in paragraph 2(a) of the present Decision.

⁵ as referred to in paragraph 2(b) of the present Decision.

	<p>submission, if any; and</p> <ul style="list-style-type: none"> ○ the effective date of entry into force of the proposed Med ECA, if any. ● Endorsement of a joint and coordinated proposal for the designation of the proposed Med ECA to the IMO, if any.
by July 2021 (TBC)	<ul style="list-style-type: none"> ● Submission of a draft COP Decision on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO, to the Meeting of the MAP Focal Points. <p><i>(provided agreement was reached at the 14th Meeting of the Focal Points of REMPEC)</i></p>
September 2021 (TBC) Meeting of the MAP Focal Points	<ul style="list-style-type: none"> ● Approval of the draft COP Decision on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO.
by October 2021 (TBC)	<ul style="list-style-type: none"> ● Submission of draft COP Decision on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO, to COP 22. <p><i>(provided agreement was reached at the Meeting of the MAP Focal Points)</i></p>
December 2021 (TBC) 22 nd Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 22)	<ul style="list-style-type: none"> ● Adoption of COP Decision on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO.

- Global actions

Milestones	Actions
<p>27 December 2019 (TBC)</p> <p><i>(13-week deadline for the submission of documents (including information documents) containing more than six pages of text (bulky documents) to the 75th session of the IMO's Marine Environment Protection Committee (MEPC 75))</i></p>	<ul style="list-style-type: none"> ● Submission of an information document, prepared by REMPEC, related to the adoption of the COP Decision on the road map, to the IMO. <p><i>(provided agreement was reached at COP 21)</i></p>

<p>30 March – 3 April 2020 (TBC)</p> <p>75th session of the IMO's Marine Environment Protection Committee (MEPC 75)</p>	<ul style="list-style-type: none"> • Presentation by REMPEC of the information document related to the adoption of the COP Decision on the road map.
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Final steps (beyond 2021)⁶:

- Global actions

Milestones	Actions
<p>by January 2022 (TBC)</p> <p><i>(13-week deadline for the submission of documents (including information documents) containing more than six pages of text (bulky documents) to the 78th session of the IMO's Marine Environment Protection Committee (MEPC 78))</i></p>	<ul style="list-style-type: none"> • Submission of the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO (along with a proposed amendment to MARPOL Annex VI). <p><i>(provided agreement was reached at COP 22)</i></p>
<p>April 2022 (TBC)</p> <p>78th session of the IMO's Marine Environment Protection Committee (MEPC 78)</p>	<ul style="list-style-type: none"> • Presentation of the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO (along with a proposed amendment to MARPOL Annex VI); • Assessment of and, agreement to, the said proposal, if any; and • Consideration and approval of a draft amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, if any, and request to the IMO Secretary-General to circulate it in accordance with article 16(2) of MARPOL, with a view to adoption at the next session of the IMO's MEPC, if any.
<p>by April 2022 (TBC)</p> <p><i>(at least six months prior to</i></p>	<ul style="list-style-type: none"> • Circulation of the draft amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA by the IMO Secretary General to all Members of the

⁶ only if consensus is reached amongst the Contracting Parties to the Barcelona Convention on the joint and coordinated proposal for the designation of the proposed Med ECA to the IMO.

<p><i>its consideration)</i></p>	<p>Organization and all Parties. <i>(provided agreement was reached at MEPC 78)</i></p>
<p>October 2022 (TBC) 79th session of the IMO's Marine Environment Protection Committee (MEPC 79)</p>	<ul style="list-style-type: none"> • Consideration and adoption of the draft amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, if any; and • Determination of the date of bringing into force of the amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, if any, in accordance with article 16(2)(f)(iii) of MARPOL.
<p>not earlier than 1 September 2023 (TBC) <i>(in accordance with article 16(2)(f)(iii) of MARPOL: "period shall be not less than ten months")</i></p>	<ul style="list-style-type: none"> • Deemed acceptance of the amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, if any. <i>(provided agreement was reached at MEPC 79, and unless prior to the proposed date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendment)</i>
<p>not earlier than 1 March 2024 (TBC) <i>(in accordance with article 16(2)(g)(ii) of MARPOL: "six months after its acceptance")</i></p>	<ul style="list-style-type: none"> • Bringing into force of the amendment to regulation 14 of MARPOL Annex VI related to the designation of the proposed Med ECA, if any.
<p>TBC⁷</p>	<ul style="list-style-type: none"> • Effective entry into force of the Med ECA, if any.

⁷ To be determined by the Contracting Parties to the Barcelona Convention.