



Council of the
European Union

Brussels, 25 November 2019
(OR. en)

14492/19

MAR 179
ENV 955
OMI 74

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	21 November 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	SWD(2019) 419 final
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Subject:	COMMISSION STAFF WORKING DOCUMENT For the Council Shipping Working party IMO – Union submission to be submitted to the 7th session of the Sub-Committee on Pollution Prevention and Response (PPR 7) of the IMO in London from 17 –21 February 2020 concerning a proposal containing aspects to consider for the evaluation and the development of harmonized rules and guidance on discharge waters from Exhaust Gas Cleaning Systems (EGCS)
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Delegations will find attached document SWD(2019) 419 final.

Encl.: SWD(2019) 419 final



Brussels, 21.11.2019
SWD(2019) 419 final

COMMISSION STAFF WORKING DOCUMENT

For the Council Shipping Working party

IMO – Union submission to be submitted to the 7th session of the Sub-Committee on Pollution Prevention and Response (PPR 7) of the IMO in London from 17 –21 February 2020 concerning a proposal containing aspects to consider for the evaluation and the development of harmonized rules and guidance on discharge waters from Exhaust Gas Cleaning Systems (EGCS)

COMMISSION STAFF WORKING DOCUMENT
For the Council Shipping Working party

IMO – Union submission to be submitted to the 7th session of the Sub-Committee on Pollution Prevention and Response (PPR 7) of the IMO in London from 17 –21 February 2020 concerning aspects to consider for the evaluation and the development of harmonized rules and guidance on discharge waters from Exhaust Gas Cleaning Systems (EGCS)

PURPOSE

The document in Annex contains a draft Union submission to the 7th session of the Sub-Committee on Pollution Prevention and Response (PPR 7) of the IMO which outlines aspects for consideration of GESAMP (Group of Experts on the Scientific Aspects of Marine Environmental Protection), and the Sub-Committee, contributing to the work towards the evaluation and harmonization of rules and guidance on discharge waters from Exhaust Gas Cleaning Systems (EGCS), including conditions and areas. Given the availability of different studies and data on the impact of EGCS operations on the environment, in particular of discharge waters from open-loop mode operation, and the identified need to conclude on the required risk assessment framework, the present document proposes questions pointing at knowledge-based areas where further clarification and scientific support is required in order to develop harmonised rules. The SWD is submitted with a view to establishing the Union position on transmission of the document to the IMO prior to the required deadline of 13 December 2019¹.

The 2009 Guidelines on Exhaust Gas Cleaning Systems (adopted as Resolution MEPC.184(59)) are referred to in Annex II of Directive 2016/802/EU in relation to conditions for the use of Exhaust Gas Cleaning Systems under that Directive. Furthermore, the harmonised measures may influence the flexibility Member States have in their choices to achieve the mandatory quality objectives laid down in existing EU rules regulating surface water quality (Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (the 'Water Framework Directive') and Directive 2008/56/EC of the European Parliament and of the Council establishing a

¹ The submission of proposals or information papers to the IMO, on issues falling under external exclusive EU competence, are acts of external representation. Such submissions are to be made by an EU actor who can represent the Union externally under the Treaty, which for non-CFSP (Common Foreign and Security Policy) issues is the Commission or the EU Delegation in accordance with Article 17(1) TEU and Article 221 TFEU. IMO internal rules make such an arrangement absolutely possible as regards existing agenda and work programme items. This way of proceeding is in line with the General Arrangements for EU statements in multilateral organisations endorsed by COREPER on 24 October 2011.

framework for community action in the field of marine environmental policy (the 'Marine Strategy Framework Directive')) as well as the emissions of priority substances and other pollutants including excess nutrients to water (Water Framework Directive and Directive 2008/105/EC² of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council). In addition, on-board exhaust gas cleaning systems are listed in Commission Implementing Regulation (EU) 2019/1397 indicating design, construction and performance requirements and testing standards for marine equipment falling within the scope of application of Directive 2014/90/EU³. This Implementing Regulation refers to IMO Resolution MEPC.259(68), and therefore any amendments to this IMO Resolution will affect the binding requirements contained in Directive 2014/90/EU⁴. The said draft Union submission therefore falls under EU exclusive competence.

² As amended by Directive 2013/39/EU

³ OJ L 48, 24.2.2017, p. 1.

⁴ OJ L 257, 28.8.2014, p. 146.

ANNEX

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
7th session
Agenda item 12

Document Symbol
XY December 2019
Original: ENGLISH
Pre-session public release:

AGENDA ITEM TITLE

Aspects to consider for the evaluation and developing harmonized rules and guidance on discharge waters from exhaust gas cleaning systems

Submitted by the European Union, represented by the European Commission

SUMMARY

Executive summary: This document outlines aspects for consideration of GESAMP, and the Sub-Committee, contributing to the work towards the evaluation and harmonization of rules and guidance on discharge waters from Exhaust Gas Cleaning Systems (EGCS), including conditions and areas. Given the availability of different studies and data on the impact of EGCS operation on the environment, in particular of discharge waters from open-loop mode operation, and the identified need to conclude on the required risk assessment framework, the present document proposes questions pointing at knowledge-based areas where further clarification and scientific support is required in order to develop harmonised rules.

Strategic direction, if applicable: 1 and 2

Output:

Action to be taken: Paragraph 9

Related documents: MEPC 74/14/1, MEPC 74/14/7, MEPC 74/14/8, MEPC 74/14/9, MEPC 74/INF.10, MEPC 74/INF.24 and MEPC 74/INF.27

INTRODUCTION

1. MEPC approved, in principle, at its 74th session, a new output on "Evaluation and harmonization of rules and guidance on the discharge of liquid effluents from EGCS into waters, including conditions and areas" in the 2020-2021 biennial agenda of the PPR Sub-Committee and the provisional agenda for PPR 7, with a target completion year of 2021, and referred documents MEPC 74/14/1, MEPC 74/14/7, MEPC 74/14/8, MEPC 74/14/9, MEPC 74/INF.10,

MEPC 74/INF.24 and MEPC 74/INF.27 to PPR 7 for further consideration, with a view to refining the title and the scope of the output.

2. The Committee further identified the need for more scientific research and instructed the Secretariat to liaise with GESAMP and to establish a task team of experts to be designated to assess the state of the art scientific evidence relating to the environmental impacts of discharges of EGCS effluent, with a view to reporting its findings to PPR 7.

3. PPR 7 would also be expected to complete the ongoing revision of the IMO 2015 EGCS Guidelines (IMO Resolution MEPC.259(68)). This revision has focused on the structure, clarification of principles and terminology as well as on the improvement of the certification framework principles and requirements. In the absence of an independent assessment of relevant scientific evidence, section 10 of the EGCS guidelines on discharge waters criteria has been overall kept unaltered, having undergone only a minor revision including editorials and provisions for discharge waters from temporary storage.

4. The assessment to be undertaken by the GESAMP task team should cover the analyses and results from existing research projects⁵, the results from simulations for predicting the concentrations and impacts of target substances and their accumulation in waterbodies, including in sediments and biota. Furthermore, earlier submissions to the Committee and the Subcommittee (MEPC 73/INF.5, PPR 6/INF.20) should also be taken into account.

5. In view of the entering into force of the global sulphur cap in 2020, this document suggests that the subsequent work to be carried under the new output should be organized taking into account the urgency to address the relevant environmental concerns by timely setting a harmonized regulatory framework with respect to operation of EGCS, in specific conditions and areas with due consideration to early movers who have prepared for the 2020 sulphur limit.

PROPOSAL

6. This document identifies two possible tasks in the context of EGCS discharge waters. The first task could be to compile existing data and draw objective conclusions from the different studies based on scientific criteria in order to provide technical data that could be used in the context of any potential development of further regulatory framework. The results from the first task should be made available to the Sub-Committee soon in view of the 2020 global sulphur cap implementation.

7. The second task could be to use the compiled data to proceed with further investigation to inform an appropriate response to potential concerns that may be identified in the first task It is

⁵ Including but not limited to the following studies: [Why is the Union referring to these concrete studies? Are we endorsing them?]

- a. "Scrubber Washwater Survey", 2019, study carried out by the Federal Maritime and Hydrographic Agency (BSH, Germany), funded by the German Environment Agency (UBA, Germany). Preliminary results submitted to the Organization (PPR 6/INF.20, 14 December 2018)
- b. Closing the Loop - Environmental analysis of marine exhaust gas scrubbers on two Stena Line ships - IVL Swedish Environmental Research Institute 2018 - Funded by: European Commission via Connecting Europe Facility (CEF) and the SIVL foundation

suggested that, GESAMP identifies and oversees reference modelling studies on the environmental impact of the discharge waters from EGCS. The study should also take into account the extent to which pollutants in discharge waters are likely to accumulate in sediment and biota, the influence of currents on the location of such accumulation and of different circumstances and scenarios. The task should be completed by the end of 2021, including, if necessary, some limited field monitoring to verify conclusions.

8. In order to adequately evaluate the environmental impact of EGCS technology, it is appropriate to define some key questions set out in the Annex to this document to be answered in order to address the concerns expressed in document MEPC 74/14/1. The questions are directly or indirectly linked to previously identified areas of concern and therefore represent specific targets/objectives. They are non-exhaustive, open to discussion and aimed at contributing directly to GESAMP's task and help focusing the work ahead.

9. The Sub-committee is invited to consider the Annex to this document, with the support of GESAMP's scientific advice, and take action on the following aspects:

- A. Assessment of available information, studies, research work, data on the environmental impact of EGCS discharge waters into the marine environment, and
- B. Evaluation and harmonization of rules and guidance on discharge water from EGCS, including conditions and areas.