

ANNEX 2

RESOLUTION MEPC.329(76) (adopted on 17 June 2021)

AMENDMENTS TO THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO

Amendments to MARPOL Annex I

(Prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

HAVING CONSIDERED, at its seventy-sixth session, proposed amendments to MARPOL Annex I concerning the prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters, which were circulated in accordance with article 16(2)(a) of MARPOL,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex I, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 May 2022 unless prior to that 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 amendments;

3 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of MARPOL, the said amendments shall enter into force on 1 November 2022 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS ALSO the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

AMENDMENTS TO MARPOL ANNEX I

(Prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters)

1 The title of chapter 9 is amended as follows:

"Chapter 9 – Special requirements for the use or carriage of oils in polar waters"

2 A new regulation 43A is added in chapter 9 after existing regulation 43, as follows:

"Regulation 43A

Special requirements for the use and carriage of oils as fuel in Arctic waters

1 With the exception of ships engaged in securing the safety of ships or in search and rescue operations, and ships dedicated to oil spill preparedness and response, the use and carriage of oils listed in regulation 43.1.2 of this Annex as fuel by ships shall be prohibited in Arctic waters, as defined in regulation 46.2 of this Annex, on or after 1 July 2024.

2 Notwithstanding the provisions of paragraph 1 of this regulation, for ships to which regulation 12A of this Annex or regulation 1.2.1 of chapter 1 of part II-A of the Polar Code applies, the use and carriage of oils listed in regulation 43.1.2 of this Annex as fuel by those ships shall be prohibited in Arctic waters, as defined in regulation 46.2 of this Annex, on or after 1 July 2029.

3 When prior operations have included the use and carriage of oils listed in regulation 43.1.2 of this Annex as fuel, the cleaning or flushing of tanks or pipelines is not required.

4 Notwithstanding the provisions of paragraphs 1 and 2 of this regulation, the Administration of a Party to the present Convention the coastline of which borders on Arctic waters may temporarily waive the requirements of paragraph 1 of this regulation for ships flying the flag of that Party while operating in waters subject to the sovereignty or jurisdiction of that Party, taking into account the guidelines to be developed by the Organization. No waivers issued under this paragraph shall apply on or after 1 July 2029.

5 The Administration of a Party to the present Convention which allows application of paragraph 4 of this regulation shall communicate to the Organization for circulation to the Parties particulars of the waiver thereof, for their information and appropriate action, if any."
