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### Background

HELCOM 35-2014 adopted the Terms of Reference (ToR) of the Correspondence Group between HELCOM Contracting Parties concerning enforcement of the new limits for SO<sub>x</sub> emissions entering into force in the Baltic Sea from 1 January 2015 (HELCOM CG AIRBORNE) which started its work in May 2014 under the lead of Sweden.

### Action required

The Meeting is invited to consider the attached report from HELCOM CG SECA.

## ENFORCEMENT OF THE MORE STRINGENT LIMITS FOR SO<sub>x</sub> EMISSIONS (HELCOM CG SECA)

### REPORT FROM THE CORRESPONDENCE GROUP; SUBMITTED BY SWEDEN

#### Introduction

The HELSINKI COMMISSION at its 35<sup>th</sup> session established a Correspondence Group, HELCOM CG AIRBORNE, between HELCOM Contracting Parties, under the Swedish coordination, concerning enforcement of the more stringent limits for SO<sub>x</sub> emissions that enter into force in 2015.

The group has representation from the following Contracting Parties

DENMARK	LATVIA
ESTONIA	LITHUANIA
EUROPEAN COMMISSION	POLAND
FINLAND	RUSSIAN FEDERATION
GERMANY	SWEDEN

and the following HELCOM Observer organisations in consultative status:

BALTIC PORTS ORGANIZATION (BPO)  
 EUROPEAN COMMUNITY SHIPOWNERS' ASSOCIATION (ECSA)  
 EUROPEAN DREDGING ASSOCIATION (EuDA)

#### Terms of Reference (ToR)

The HELCOM Correspondence Group AIRBORNE (hereafter the group) was instructed, taking into account the comments and decisions made at HELCOM MARITIME 13/2013, to carry out initial exchanges in 2014 and more in-depth work in 2015- 2016 in order to:

1. Provide input to joint HELCOM enforcement actions based on systematic evaluations and with the objective of achieving efficient and cost effective enforcement within the SO<sub>x</sub> Emission Control Area (SECA), including:
  - considering follow up of observed violations – i.e. by notifying the next port through port state control (PSC) or other means of contact;
  - samplings of fuels;
  - considering possible joint, cost effective aerial surveillance or surveillance by ground based monitoring facilities, including common standards.
2. Exchange views on the following issues in order to ensure a harmonized application:
  - Measures and precautions to be taken when ships' exhaust gas cleaning systems are not operating accordingly, or when the equipment is damaged, with an aim to address the problem in the IMO; and
  - Measures acceptable to the contracting states to ensure compliance with MARPOL Annex VI regulation 3 - 1.2, when the above situation occurs.
3. Streamline the work closely with the activities already going on in the IMO, the EU (including European Sustainable Shipping Forum (ESSF) and its subgroup on implementation of the sulphur directive) and in the Paris MoU.
4. Follow activities and developments at international level in the field of enforcement measures in other SO<sub>x</sub> Emission Control Areas (North Sea, North America ECA).

## General Comments

As instructed, the group has carried out an initial exchange of views related to the harmonized application of the regulations within the Baltic Sea area, enforcement measures (existing or planned) and monitoring. Once the SECA-requirements enter into force (2015-2016), the work will be continued by focusing on the remaining matters, such as collecting information on implementation, exchanging views and sharing experience, as well as identifying further actions to ensure correct implementation of the requirements and adjusting actions/procedures if needed.

The work was carried out in four phases. In Phase I, a draft questionnaire based on the group's Terms of Reference (ToR, see Annex 1) and a timetable were circulated to the members of the group for comments. In Phase II, the final questionnaire was sent out to the group (the questionnaire is attached as Annex 2). In Phase III, the answers to the questionnaire were summarised, the draft report was prepared and circulated to the group for comments. In Phase IV, a final report was circulated to the group for approval, and a submission to HELCOM MARITIME 14 was prepared.

Several group members supported a proposal to rename the group to HELCOM CG SECA in order to better reflect the task of the group. Given that the initial name, HELCOM CG AIRBORNE, was agreed by HELCOM 35 making it rather difficult to change, it was decided, after consulting with the HELCOM secretariat, that the proposed name (HELCOM CG SECA) should be used temporarily.

The group was invited to answer the questionnaire, taking into account the comments and decisions made at HELCOM MARITIME 13/2013 and, in particular:

- to specifically indicate their preference related to possible joint HELCOM actions to enhance the enforcement of the more stringent limits for SOx emissions, including inspections and fuel samples as well as sanctions and penalties; and
- to consider the harmonized application of requirements within the HELCOM;

Since the questionnaire was based on the agreed ToR and focused on the enforcement measures, answers were provided only by the Member Governments and not by the HELCOM Observer Organisations. One Observer Organisation, however, submitted comments to the draft report proposing additional elements for further discussion.

According to the p.3 ToR, the work of the group should be streamlined closely with the activities already going on in the IMO, the EU (including ESSF and its subgroups on implementation of the sulphur directive) and in the Paris MOU. The group agreed to draft a list of international groups working on the implementation and enforcement of sulphur regulations, and to take stock of these activities in order to avoid engaging in the same work (see Annex 3). In order to keep the list updated members of the group are invited to submit additional information to the coordinators.

Issues under consideration by the group and the result of the group's deliberations are reflected under each relevant chapter below.

### **I. Joint HELCOM actions to enhance the enforcement of the more stringent limits for SOx emissions**

#### ***Joint actions***

The group discussed possible joint actions needed to enhance the enforcement of sulphur regulations, and agreed that in order to achieve that and to enable the effective prosecution of violations, appropriate targeting methods as well as a harmonized system of assessment criteria, against which compliance has to be tested, should be developed and agreed upon between the Contracting Parties (CP). Concentrated inspection campaigns (CIC) were also mentioned among effective actions. The group also agreed that an adequate and sufficiently dense compliance monitoring is needed in order to enhance the enforcement. A

joint aerial surveillance of air emissions from ships was also highlighted as a valuable mechanism to target the ships in the Baltic SECA area.

An efficient exchange of information between the CPs regarding enforcement, monitoring and targeting methods, cases of non-compliance, emission abatement methods used on board as well as inspections, fuel samplings and sanctions against non-compliance was also identified as a prerequisite for a well functioning enforcement system.

Views were exchanged on possible uncertainties in the existing regulations, and the need for a harmonized approach or guidelines to eliminate these uncertainties was identified. Concerns were also raised about the lack of common interpretation of the use of conventional fuel in gas boiled engines and the lack of rules for operation of scrubbers while the vessels are in ports, in particular the rules for open loop scrubbers.

Several members of the group mentioned that a common understanding is needed on the use of open loop scrubbers in ports/coastal waters, as well as an agreement that future changes of the wash water criteria (Resolution MEPC.189(59)) should not apply retroactively in order to avoid punishing "early movers". A need for clarification on how to deal with "operational non-compliance" of scrubbers was also pointed out (see chapter II for more information).

The lack of regulations for waste management from scrubbers or other alternative cleaning equipment, and a need to revise the directive on port reception facilities (2000/59) to include waste from scrubbers was highlighted. Two members of the group emphasized that the waste from Exhaust Gas Cleaning systems (EGCS) shall not be covered by the No Special Fee system, since it will not be fare to require ships that use cleaner fuel without generating "scrubber waste" to subsidize the waste management for those ships that produce such waste.

One member of the group, viewing the use of Exhaust Gas Cleaning systems (EGCS) as the main alternative for compliance with the sulphur requirements, pointed out that IMO Guidelines adopted by MEPC.184(59) "2009 Guidelines for Exhaust Gas Cleaning Systems" have significant shortcomings and needs to be revised for the following reasons. The Guidelines provide information about the approval of each system separately and issuing the SO<sub>x</sub> Emission Compliance Certificate (with serial number). However, unlike other IMO guidelines concerning the approval of conventional equipment (filtration equipment, sewage treatment plants, incinerators etc.), these Guidelines do not provide any practical instructions on how the approval of EGCS must be conducted and operational characteristics of the system must be tested. This can cause difficulties for Administrations to approve EGCS.

Another member of the group proposed to consider carefully possible non-compliance situations resulting from distillate fuel contamination with HFO and the potential safety risk (loss of propulsion) related to the fuel switchover by ship entering/leaving SECAs.

The group recognized the need to develop a harmonized approach and guidelines regarding control of fuel used by ships (e.g. fuel sample frequency and methods, targeting system for inspections), sharing of results of inspections on fuel quality and an effective penalty system to discourage evasion. It was stated that such guidelines are being developed by the European Commission, and there is no need to duplicate this work. The majority of the group (except one member) therefore did not see the need for HELCOM recommendations or guidelines on these issues, recognizing that interpretations and guidelines developed elsewhere, if applicable in the Baltic Sea region, would be sufficient. Areas where further guidance could be needed may become identifiable towards the end of 2014, when the scope of work undertaken elsewhere is better known.

Nevertheless, there was a general agreement in the group to further discuss these issues in order to reach a common understanding where possible, or to develop some kind of strategy that the CPs could agree upon.

***Inspections and fuel samplings***

The group noted that all CPs undertake inspections, which are carried out by port state control officers or inspectors of other competent authority (Officers) in accordance with MARPOL requirements and Guidelines for PSC (Resolution MEPC.181 (59)). One member of the group mentioned that in some cases the inspections are conducted by recognized organizations on behalf of the Administration. The inspections consist of control of logbooks, bunker delivery notes and fuel samples. In most cases, fuel samples onboard a ship are taken for analysis only when irregularities are found or there are suspicions of non-compliance. The members of the group indicated that inspections of logbooks and bunker delivery notes will be conducted as usual after 1<sup>st</sup> of January 2015, but the frequency of inspections most likely will increase.

Today the frequency of fuel samples taken in the CPs vary from 0 to 330 samples annually. Samples are analyzed by accredited laboratories and in most cases it takes a couple of days to obtain the results. Officers in one country use portable equipment that promptly gives an indication of sulphur content of fuel used onboard. The equipment is used only when there is a suspicion of non-compliance. There is an interest in the group to learn more about this type of equipment and its use. Countries where the equipment is used are invited to share their experience.

The control procedure is free of charge in almost all countries. One member of the group mentioned that in case of non-compliance the costs for lab analyses have to be reimbursed by the responsible party. The introduction of a fee from 1<sup>st</sup> of January 2015 for fuel samples and tests is under consideration in at least one country.

An increase in the fuel sample frequency is expected in most countries, except one where it is considered to be sufficient (330 annually). In three cases an approximate number of fuel samples to be taken after 1<sup>st</sup> of January 2015 were indicated, ranging from 18 to 400 samples annually. In some cases the quantity of samples would depend on financing. Utilisation of other methods, such as measuring of fuel temperature and the use of portable equipment for a quick indication of the sulphur content of the fuel used is under consideration in a number of countries.

The group agreed that one of the major difficulties at inspections is the waiting time involved in the analyses of fuel samples. The group considered that whenever analysis results proving a ship's non-compliance are received after the ship has sailed from the port, reporting to the next port of call would be appropriate.

***Targeting ships for inspections***

There were mixed views regarding targeting mechanisms that might be used to select ships for inspections. Members of the group exchanged information on existing practices and shared some ideas on possible future targeting methods, which are still under consideration in most countries.

Some members of the group noted that no additional specific criteria are foreseen regarding sulphur regulations, and referred to the existing system for selecting ships for inspections under Paris MoU, which stipulates that in case of suspicions of non-compliance during a standard inspection, a more detailed inspection (including fuel sampling) should follow. Another member of the group mentioned that in order to avoid duplication of inspections during the same year, ships were selected for inspections by the Port State Control Officers (PSCO) based on the frequency of their port visits, and previous compliance history, if known.

The group considered that a remote monitoring of air emissions from ships through joint aerial surveillance, or surveillance through ground based monitoring facilities would be useful for targeting ships in the Baltic SECA area and for the enforcement of the sulphur regulations. In a few countries the technology is under development. At the same time, it was recognised that the results of emission monitoring alone will not to be sufficient for prosecution. Therefore, non-compliance will have to be proven by inspections of logbooks, bunker delivery notes and fuel samples.

The group briefly exchanged views regarding criteria for determining a ship's risk level. One member of the group expressed the view that ships operating exclusively within the SECA should be seen as low risk ships. Another member proposed the following possible criteria for defining "high risk ships":

- Ships going in and out of the SECA:s;
- Ships which come directly from outside the SECA:s (first port of call within SECA);
- Ships with two or more types of fuel onboard (vs. ships with only one type of fuel);
- Ships with easy fuel change-over system (separate high/low sulphur fuel tank lines).

Following consideration, the group agreed that it would be useful to discuss the matter further in order to develop a common strategy for targeting ships using some kind of information exchange platform.

### ***Sanctions and penalties***

Sanctions and penalties are introduced in all CPs. Five countries employ administrative fines for violation of sulphur requirements. Fines can be imposed for use of non-compliant fuel by a ship, for delivery of non-compliant fuel to a ship (sulphur content in excess of values claimed in the bunker delivery note), for deficient reporting by marine fuel suppliers and for deficiencies in documentation and fuel samples. At present the size of fines ranges from 350 to 57 000 EUR. A possible increase of fines from 1<sup>st</sup> of January 2015 is under discussion in a number of countries.

In other countries the system relies on criminal sanctions, where for the infringement of the sulphur regulations a fine or imprisonment may be imposed. The size of the penalties is defined by the court on a case by case basis. Some members of the group mentioned that penal sanctions have proven to be inefficient with almost no infringements prosecuted. The review of the existing penal system will be conducted in at least two countries and a possibility to introduce administrative fines will be investigated.

The group agreed that it would be beneficial to establish a common system for exchange of information on existing and possible future sanctions.

### ***Detention and reporting to the next port of call***

The group exchanged views on other measures against non-compliance such as detention of a ship and notification about non-compliance to the next port of call. These are standard procedures for alleged violations in most of the countries and should be used more frequently, in the group's opinion. Few members of the group stated certainly that the detention will be used in case of a ship's non-compliance.

There was a general agreement in the group that a country not visited by a ship shall notify the next port of call (if known) about the ship's non-compliance detected by, for instance, aerial or ground surveillance. In this regard a question was raised whether it would be possible for the authorities in the next port of call to penalize the ship if the port in question is situated outside of the SECA or even EU waters.

Regarding the way of reporting this information the group agreed that existing means should be used – either by direct contact or through the inspection database THETIS. It was noted, however, that the existing THETIS system allows sharing information on ship's non-compliance with MARPOL requirements only between PSCOs. Therefore the development of a new module in THETIS, THETIS-S, that will provide other authorities with access to the system, would be important. The group further agreed that it would be beneficial to exchange views within HELCOM on how this type of information could be shared and how it should be handled by the member states.

***Anticipated difficulties***

The group briefly discussed some difficulties expected to occur after 1st of January 2015. As already mentioned, one of the major complications at inspections is the waiting time involved in the analyses of fuel samples, which will probably remain a hindrance for some time ahead even after entering into force of new requirements. The anticipated increase in frequency of inspections and fuel samplings will require more personnel, better laboratory capacities and will amplify costs. It was also noted that in countries with a long coastline the travelling time for inspectors will be extended, leading to higher costs. The need for additional education for new officers and the purchase of portable equipment for fuel checks onboard were also mentioned as cost drivers.

Further concerns were raised, for example that the increase in time spent on inspections as well as more frequent detentions might cause congestions in ports.

Some members of the group mentioned that malfunction of the exhaust gas cleaning systems, or dumping of scrubber sludge may pose a challenge in terms of the appropriate way to deal with such non-compliance.

***Exchange of information***

The discussion above demonstrates the group's general agreement that a common information platform, with access for all HELCOM member states, is necessary to exchange relevant information between authorities responsible for enforcement of sulphur regulations. At the same time the group did not see the need to create a new system for HELCOM states, but referred to the THETIS -S database, which is under development by EMSA, as a possible platform for this information exchange. The advantage of THETIS -S was its coverage of all European waters, not only the Baltic Sea. One member of the group, however, considered that the question of most appropriate way for information exchange is still open, since not all HELCOM CPs are EU member states with an access to the THETIS-S. Instead existing framework of the Paris MoU could be used for this purpose.

Information exchange through correspondence was also recognised as a possible, though less transparent method, and only useful on a bilateral basis. A list of contacts updated frequently would be needed in this case.

**II. Harmonized application within HELCOM**

Under this item the group shared views regarding the interpretation of the regulation 3.1.2 of MARPOL Annex VI and measures to ensure compliance with this regulation when ships' exhaust gas cleaning systems are not operating accordingly, or when the equipment is damaged.

The majority of the group did not experience any difficulties in interpreting the regulation 3.1.2 of MARPOL Annex VI, noting that in case of failure of an EGS system during the voyage of a ship the provision of MARPOL Annex VI will not apply. However, some concerns were raised. One observation was that the regulation 3.1.2 did not provide an answer to the question on what measures are to be taken when an EGCS is not operating accordingly. Another member expressed concerns regarding the possibility of different interpretations of these provisions by the states, which might lead to distortion of competition. For instance, one state might allow a ship to sail on non-compliant fuel accepting that the ship with damaged equipment made an appointment for a repair six months ahead, while another state would detain the ship until the deficiency is rectified.

When it comes to the measures needed to ensure compliance with regulation 3.1.2 there were differing views in the group. It could be concluded that the group agreed that solutions will vary depending on the situation, and every case of malfunction of the equipment would need to be investigated and dealt with on an individual basis, depending on seriousness of the non-compliance, the particular risk potential, the collaboration with the ship operator, etc. A measure supported by the majority will be to require a ship to change to the compatible fuel until the EGCS is repaired. One member of the group pointed out that the

permanent operation of the ship with a damaged EGS system cannot be resolved by fuel changeover, due to the fact that the ship's IAPP Certificate with Supplement specifies that there is a functioning system to reduce SOx emissions on board. Fuel changeover, therefore, is only a temporary or precautionary measure to minimize SOx emissions.

There are different options for dealing with this situation under consideration in each country, and the group agreed that a harmonized approach regarding the matter is needed. In order to facilitate further discussion these options are summarized below:

- In case of malfunction of an EGCS and exceeding the maximum allowed SO<sub>2</sub>/CO<sub>2</sub> ratio or wash water criteria, corrective actions should be taken according to the EGCS Technical Manual (ETM). Interpretations should, therefore, be based on evaluation of these corrective actions compared to the ETM. A ship should also send an advance notification on any malfunctions of equipment before entering a port, and notify about measures that will be taken.
- In case of failure of its EGCS a ship will be required to use 0,1 % fuel. If this fuel is not available on board, the ship has to bunker compliant fuel in the next port of call and use it until the EGCS has been repaired.
- In case of malfunction of an EGCS and absence of compliant fuel onboard, a ship would be allowed to sail to a repair yard, taking some precautions, such as speed reduction, thereby reducing fuel consumption and SOx emissions.
- A ship would be detained until a compliant fuel is obtained, or equipment is repaired, or would get permission to proceed directly to a repair yard.
- Malfunction of equipment should not be seen as penal, provided that all reasonable precautions have been taken to prevent the damage and that the owner or the master have not acted recklessly. In this case a ship would be required to change to a compliant fuel and allowed to proceed to the nearest repair shipyard without sanctions being imposed.
- In case of malfunction of an EGCS and absence of compliant fuel onboard, a possibility of granting an exemption to a ship for a limited time, necessary to repair the equipment or bunker a compliant fuel, might be considered (individual exemptions would be considered provided that it is shown that attempts have been made to purchase spare parts/order a reparation of the equipment and/or bunker a compliant fuel).
- Individual exemptions, with a limited time frame, to sail on incompliant fuel might be granted to a ship, if it is shown that change to a compliant fuel is technically impractical or impossible and if there is a robust plan for rectifying the deficiency.

Further, the group considered developing a HELCOM recommendation and raising the issue in the IMO, aiming at a unified interpretation of the regulation 3.2.1 of MARPOL Annex VI. One member of the group agreed that a HELCOM recommendation on the matter would be useful and another welcomed suitable guidelines prepared by HELCOM or OSPAR in the absence of IMO recommendations. The majority of the group, however, did not see any need for a HELCOM recommendation, pointing out that the IMO is the responsible body for both unified interpretation of regulations and for guidelines. HELCOM, however, could bring the issue forward in the IMO and organize joint workshops and training for PSC officers and others in charge of enforcement of the new sulphur regulations.

Nevertheless, the group agreed to discuss the matter further and that a common approach to deal with situations when an EGCS is not functioning would be useful, mentioning at the same time the difficulty in setting up a static definition of how to interpret regulation 3.1.2, given that there could be differences from system to system.

Some of the group's members agreed that the issue should be raised in the IMO aiming at a unified interpretation of regulation 3.1.2 of MARPOL Annex VI, while others thought it would be more appropriate to gain relevant experience and consider this matter at the HELCOM MARITIME meeting in November.

***Simplified verification procedures for clean technologies and alternative fuels***

The views varied regarding simplified verification procedures for ships using clean propulsion technologies or alternative fuels, such as Liquefied Natural Gas (LNG), or for ships that perform continuous monitoring of SO<sub>x</sub>-emissions. One member of the group agreed that this initiative should be discussed further. Another member referred to the existing ISO/DTS 18683 standard for LNG bunkering and rules and regulations from classification societies. Two members of the group mentioned that the matter is under national consideration and stated that a reporting system would be needed to collect related information (preferably before a ship's entry into port) and to facilitate its exchange between the CPs.

Two members of the group declared that there were no plans so far to introduce a simplified verification procedure for those ships, since vessels that use cleaner propulsion technologies or perform continuous monitoring may still become non-compliant due to malfunction of the equipment. However, experience gathered in the initial period of the implementation of sulphur requirements might change this position.

The group agreed that an informal discussion at the HELCOM Maritime would be helpful, while a formal one should take place in the IMO.

**TERMS OF REFERENCE FOR THE CORRESPONDENCE GROUP BETWEEN HELCOM CONTRACTING PARTIES CONCERNING ENFORCEMENT OF THE MORE STRINGENT LIMITS FOR SO<sub>x</sub> EMISSIONS 2015- (HELCOM CG AIRBORNE)**

adopted by HELCOM 35-2014

This document includes the Terms of Reference (ToR) of the Correspondence Group between HELCOM Contracting Parties concerning enforcement of the new limits for SO<sub>x</sub> emissions entering into force in the Baltic Sea from 1 January 2015 (HELCOM CG AIRBORNE) established by MARITIME 13/2013 for the period 2014-2016.

**Background**

The 2013 HELCOM Ministerial Declaration welcomed cooperation between the Contracting Parties to enhance the enforcement of the more stringent limits for SO<sub>x</sub> emissions.

In order to achieve efficient and cost effective enforcement within the MARPOL ANNEX VI SECA Baltic Sea, it would be appropriate to exchange information on possible joint measures.

Furthermore, concerns have been raised regarding the exceptions in MARPOL VI regulation 3-1.2 what measures and precautions ships should take when exhaust gas cleaning systems are not operating accordingly, or when the equipment is damaged. A harmonized application and view on what measures to be considered as sufficient by the HELCOM Member States would increase the predictability and transparency of implementation.

**Terms of reference**

The correspondence group is instructed to carry out initial exchanges in 2014 and more in-depth work 2015-2016 in order to:

1. Provide input to a joint HELCOM enforcement actions based on systematic evaluations and the objective of achieving efficient and cost effective enforcement within the SECA, including:
  - considering follow up of observed violations – i.e. by notifying the next port through port state control; and
  - samplings of fuels;
  - consider possible joint, cost effective aerial surveillance or surveillance by ground based monitoring facilities including common standards.
2. Exchange views on the following issues in order to ensure a harmonized application:
  - Measures and precautions to be taken when ships exhaust gas cleaning systems are not operating accordingly or when the equipment is damaged, with the aim to address the problem in IMO; and
  - Measures acceptable to the contracting states to ensure compliance with MARPOL VI regulation 3-1.2, when the above situation occurs.
3. Streamline the work closely with the activities already going on in the IMO, the EU commission (including ESSF and its subgroup on implementation of the sulphur directive) and in Paris MOU.

4. Follow activities and developments at international level in the field of enforcement measures in other SOx ECA areas (North Sea, North America ECA).

In terms of working procedures the Correspondence Group will:

- be established for the period 2014-2016;
- carry out initial exchanges in 2014 and remaining matters 2015-2016;
- report to meetings of the HELCOM Maritime Group;
- be led by Sweden;
- be open to HELCOM Member and Observers;
- as far as possible work via correspondence, but convene if need arises.

**HELCOM CORRESPONDENCE GROUP CONCERNING ENFORCEMENT OF THE MORE STRINGENT LIMITS FOR SOX  
EMISSIONS 2015 (HELCOM CG SECA)**

***Questionnaire***

**I. Joint HELCOM actions to enhance the enforcement**

1. What kind of joint actions or measures are needed to achieve an efficient and cost effective enforcement of sulphur regulations? Please, specify.
2. Have you identified any uncertainties in the existing legislation (international, regional and national) that need interpretation or guidelines in order to improve the implementation of the 0,1 sulphur limit in SECA? Please, specify.
3. Will the development of harmonized interpretations or HELCOM guidelines help to achieve the objectives above? If yes, what kind of guidelines would be useful, in your opinion?

***Inspections***

4. How the inspections will be carried out in your country? (i.e. inspections of logbooks, bunker delivery notes, fuel samples, aerial surveillance or surveillance by ground based monitoring facilities or other, please specify).
5. In case of aerial surveillance or surveillance by ground, how will you handle the situation where a non-compliant ship is identified, but will not call a port in your country?
6. What kind of difficulties (if any) do you anticipate to occur during the inspections?

***Fuel samples***

7. Are fuel samples taken in your country?
8. How many samples are taken annually and how are they analysed (by accredited laboratory, by portable equipment for marine fuel testing)?
9. Are the results of the sample analysis obtained while the ship is still in the port?
10. Is the control procedure free of charge? If not, could you, please, indicate the size of the fee paid?
11. Is any kind of targeting procedure foreseen in order to select ships for inspections/sampling? If yes, which criteria will be used for targeting?

Would an exchange of this targeting information among HELCOM Member States be possible and what could a useful mechanism/platform be?

12. Do you anticipate an increase in frequency of fuel samples in 2015? Can you provide an approximate number?
13. Do you expect any difficulties/challenges related to the increased control (for instance, time for analyzing the samples due to remoteness of testing laboratories, recourse availability, etc.)?

***Sanctions and penalties***

14. How the observed violations should be handled:
  - a) by notifying the next port of call through port state control;

- b) penalties (which penalties are in force and what kind of penalties you think are feasible);
- c) detention of the ship;
- d) other sanctions (please, specify).

15. If there is a fine system introduced in your country, could you, please, specify the size of the fine in case of violation of sulphur requirements?

## **II. Harmonized application within HELCOM**

16. Have you experienced any difficulties with the interpretation of the regulation 3.1.2 of MARPOL ANNEX VI (malfunction of equipment)? If yes, in what way?

17. Please, could you shortly describe how this regulation is understood/interpreted by the relevant authorities in your country?

18. What kind of measures are acceptable to the contracting states to ensure compliance with MARPOL VI regulation 3.1.2, when ships exhaust gas cleaning systems are not operating accordingly or when the equipment is damaged?

19. Will the ship be required to change from HFO to low sulphur fuel until the equipment is repaired? How the situation will be handled if there is no compliant fuel onboard a ship?

20. Is there a need for a HELCOM recommendation on this issue?

21. Should the issue be raised in IMO aiming at unified interpretation?

22. Do you consider simplified verification procedures for ships using clean propulsion technologies/alternative fuels (e.g. LNG) or which have installed continuous monitoring of SO<sub>x</sub>-emissions?

### GOVERNMENTAL GROUPS WORKING ON IMPLEMENTATION AND ENFORCEMENT OF SULPHUR REGULATIONS

1. IMO MEPC adopts legislation and develops guidelines. <http://www.imo.org>
2. HELCOM works on developing a holistic approach aiming at cost effective enforcement of sulphur requirements within the SECA. <http://helcom.fi/>
3. European Commission works on legislation and guidelines mostly through its two Directorates: *Mobility and Transport*, [http://ec.europa.eu/transport/modes/maritime/index\\_en.htm](http://ec.europa.eu/transport/modes/maritime/index_en.htm)  
*Environment*, <http://ec.europa.eu/environment/air/transport/ships.htm>

The European Commission has established a *European Sustainable Shipping Forum (ESSF)* to enable dialogue between Member States and brings together governments and maritime industry to discuss practical issues that could be encountered during the implementation of the sulphur directive. The tasks of ESSF are to:

- provide guidance on the implementation of the Sulphur Directive;
- create the framework conditions for the use of marine LNG as ship fuel;
- create the framework conditions for the use of scrubbing technology in shipping;
- explore and evaluate all the available financing opportunities;
- coordinate research and development activities and encourage innovation.

Within ESSF there are following subgroups that work with specific areas:

- 1) Sub-Group on EGCS;
- 2) Sub-Group on LNG
- 3) Sub-Group on the Implementation of the Sulphur Directive
- 4) Sub-Group on Research and Innovation
- 5) Sub-Group on Financing Aspects
- 6) Sub-group on Competitiveness.

More information about ESSF could be found at: <http://ec.europa.eu/transparency/regexpert/index.cfm>

The European Commission is also assisted by the *Committee for the implementation of the Directive on sulphur content in marine fuels* regarding the implementation.

4. European Maritime Safety Agency, EMSA assist the European Commission by providing regular technical opinions when requested. EMSA provides constant overview regarding the enforcement of the legislation, organizes workshops and seminars and conducts studies for instance on LNG as shipping fuel and operational and safety aspects of scrubbers actions and the alternative emission abatement. EMSA is responsible for the development of THETIS-S. <http://www.emsa.europa.eu/>
5. Maritime Administrations Implementation Group (MAIG) – an informal group that involves representatives from maritime administrations of a number of Northern European countries that meets once a year to discuss priority matters, *inter alia* implementation and enforcement of sulphur requirements.
6. CompMon, a consortium of member states authorities and their organizations for the implementation of MARPOL Annex VI emission **compliance monitoring**, including SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, CH<sub>4</sub>, and PM. Currently Denmark, Finland, Germany, the Netherlands and Sweden are participating in CompMon.

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