



Document title	ECSA request to Baltic States for long term position in regard of scrubber washwater
Code	6-2
Category	DEC
Agenda Item	6 - Other ship-generated wastes and port reception facilities (including marine litter)
Submission date	30.10.2015
Submitted by	ECSA
Reference	

Background

As a transposition of IMO MARPOL Annex VI, the EU Sulphur Directive 2012/33/EC requirements impose since 1 January 2015 that ships sailing in the SECAs (Sulphur Emission Control Areas - the Channel, the North Sea and the Baltic Sea) use bunker fuels with a sulphur content of maximum 0.1% or that the same level of emissions is reached by the use of alternative fuels or compliant abatement technologies. Scrubbers have been identified as one of the few abatement technologies available allowing ships to reduce the sulphur content in their emissions.

The Sulphur Directive refers to the 2009 Guidelines for Exhaust Gas Cleaning System¹ (IMO EGCS Guidelines) as applicable standard for the approval of scrubbers. The purpose of the IMO EGCS Guidelines is to specify the requirements for the testing, survey certification and verification of exhaust gas cleaning systems to ensure that they provide effective equivalence in sulphur emissions.

While a scrubber is an accepted technical abatement method to reduce SO_x emissions under MARPOL Annex VI and under the Sulphur Directive, Member States have not yet reached a definitive decision on the use of this technology in EU waters and port areas.

The current uncertainty not only jeopardises investments already made by operators, but also hampers the commissioning of future installations.

ECSA stresses that shipowners that have made irrevocable investments in good faith to be compliant in time, but are facing some of the uncertainties and problems, should not be penalized.

Enclosed is the ECSA Position Paper on the need of clarity and consistency on the use of the scrubbing technology in EU ports, estuaries and coastal waters.

Action required

The Meeting is invited to define a clear and long term position in regard of scrubber washwater, and to consider not penalizing shipowners that have already made irrevocable investments in accordance with the Sulphur Directive and international rules; for a later adoption by HELCOM HOD.

¹ IMO Resolution MEPC.184(59)



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ECSA POSITION PAPER

on the need of legal clarity and consistency on the use of the scrubbing technology in EU ports, estuaries and coastal waters

(v_06.10.2014)

As part of the implementation of the Sulphur Directive and the Water framework Directive, ECSA urges National Competent Authorities in Member States to define with no delay a harmonised, clear and long-term position on the discharge of scrubbing technology washwater in ports, estuaries and coastal waters.

In this view, ECSA stresses that the IMO EGCS Guidelines should prevail and should not be overruled by diverging local regulations.

As from 1 January 2015, the EU Sulphur Directive¹ requirements impose that ships sailing in the SECAs (Sulphur Emission Control Areas - the Channel, the North Sea and the Baltic Sea) use bunker fuels with a sulphur content of maximum 0.1% or that the same level of emissions is reached by the use of alternative fuels or compliant abatement technologies. Scrubbers have been identified as one of the few abatement technologies available allowing ships to reduce the sulphur content in their emissions. However, the current lack of clarity in EU rules jeopardises their uptake.

The Sulphur Directive refers to the 2009 Guidelines for Exhaust Gas Cleaning System² (IMO EGCS Guidelines) as applicable standard for the approval of scrubbers. The purpose of the IMO EGCS Guidelines is to specify the requirements for the testing, survey certification and verification of exhaust gas cleaning systems to ensure that they provide effective equivalence in sulphur emissions. Under the Sulphur Directive, any adaptation of this reference should be justified and scientifically evidenced³ in such a way as to ensure strict consistency with the relevant instruments and standards adopted by the IMO.

Whereas the IMO EGCS Guidelines do not make any distinction between any water areas, it remains unclear how to solve the issues deriving from the surface water quality in ports, estuaries and coastal waters under the requirements of the Water Framework Directive (WFD) with regard to the substances contained in washwater discharge (open-loop scrubber systems), and bleed-off water (closed-loop scrubber systems). The implementation level of the WFD depends greatly on the current quality status of the various water areas under Member States' jurisdiction - making such a harmonised implementation at EU level very challenging.

Of particular concern is that the WFD specifies a list of priority substances and priority hazardous substances for which progressive reduction should be aimed at whilst there is inaccurate and limited information on the composition of water discharges from scrubbing installation.

In relation to this, ECSA is of the opinion that a wide sampling scheme of the discharge waters would only make the assessment of the results burdensome and more complicated until infinity as many

¹ Directive 2012/33/EC

² IMO Resolution MEPC.184(59)

³ Directive 2012/33/EC - Article 4c, §4

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varying factors such as the marine fuel characteristics and the local water quality will *de facto* lead to different interpretations by Member States. Any conclusion drawn from such a sampling analysis should not lead to a ban on the installation of an approved system. Instead, more scientific research on the actual marine ecological effects of scrubber washwater discharge in ports, estuaries and coastal waters is required.

The current uncertainty not only jeopardises investments already made by operators, but also hampers the commissioning of future installations.

Any envisaged restriction or limited use of any scrubbing systems should only take place after a full assessment by IMO and appropriate amendment of the IMO EGCS guidelines. In this view, shipowners that have invested in alternative emission abatement methods, as approved and functioning according the existing IMO EGCS Guidelines, should not be disproportionately penalised.

Brussels, 06 October 2014.

The European Community Shipowners' Associations (ECSA), formed in 1965, comprises the national shipowners' associations of the EU and Norway. ECSA aims at promoting the interests of European shipping so that industry can best serve European and international trade and commerce in a competitive and free business environment, to the benefit of both shippers and consumers. The European Economic Area maintains its very prominent position with a controlled fleet of 40% of the global commercial fleet.

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