

Secondary Legislation



MARINE PROTECTION TRANSPORT (ALTERNATIVE NO_x CONTROL MEASURE – NON-PROPULSION OR SPARK-IGNITION MARINE DIESEL ENGINES UNDER MARINE PROTECTION RULES PART 199 SUBSECTION C3A) INSTRUMENT

MPTI-199-1

This marine protection transport instrument is made by the Director of Maritime New Zealand under section 452B of the Maritime Transport Act 1994, after being satisfied that—

(a) rule 199.22(4) of Part 199 of the Marine Protection Rules provides for the matters in this marine protection transport instrument to be dealt with in a marine protection transport instrument; and (b) appropriate consultation has been carried out in accordance with section 452C of the Act.

Signed at Wellington

This 30th day of November 2022

By Kirstie Hewlett

A handwritten signature in black ink that reads "Kirstie Hewlett". The signature is written in a cursive style with a horizontal line underneath the name.

Director of Maritime New Zealand

Section 1 Preliminary provisions

1.1 Title

This marine protection transport instrument is the *Marine Protection Transport (Alternative NO_x control measure - non-propulsion or spark-ignition marine diesel engines under Marine Protection Rules Part 199 subsection C3A) Instrument* [also referred to as MPTI-199-1]

1.2 Commencement

This marine protection transport instrument comes into force on 1 January 2023.

1.3 What this marine protection transport instrument does

This marine protection transport instrument (MPTI-199-1) specifies NO_x control measures for a marine diesel engine that is a non-propulsion or a spark-ignition engine installed on a ship.

1.4 Conflicts

- (1) If there is a conflict between a provision in this marine protection transport instrument and a corresponding provision of a marine protection rule, the provision of the marine protection rule applies.
- (2) If there is a conflict between a provision in this marine protection transport instrument and a corresponding provision of material incorporated by reference in this marine protection transport instrument, the provision of this marine protection transport instrument applies.

Section 2 Definitions

2.1 Definitions

- (1) Terms used in this marine protection transport instrument that are defined in Part 199 have the same meaning set out in Part 199.
- (2) For the purposes of this marine protection transport instrument—
 - (a) a **non-propulsion engine** means an engine used on a ship that is not used for propulsion of the ship;
 - (b) **spark-ignition engine** means an internal combustion engine where the combustion process of the air-fuel mixture is ignited by a spark.

Section 3 Alternative NO_x control measure

3.1 Application of marine protection transport instrument MPTI-199-1

This marine protection transport instrument applies to a marine diesel engine that is a nonpropulsion or spark-ignition marine diesel engine installed on, or intended to be installed on, a New Zealand ship to which rule 199.385(1) applies.

3.2 Alternative NO_x control measure

- (1) This marine protection transport instrument specifies an alternative NO_x control measure as provided for under rule 199.22(4).
- (2) Section C3 of Part 199 does not apply to a marine diesel engine to the extent an alternative NO_x control measure provided for in clause 3.2(3) or clause 3.2(4), as applicable, is complied with.
- (3) In respect of the requirement for an owner and a master to hold documentation under rule 199.385 for a marine diesel engine that is a non-propulsion engine or a spark-ignition engine, the following documentation is sufficient evidence under rule 199.385(1) of compliance with regulation 13.4 of Annex VI (Tier II):
 - (a) For spark-ignition (petrol) engines only, a manufacturer's declaration or certificate of conformity to one of the following standards:
 - (i) Directive 2013/53/EU of the European Parliament and of the Council on recreational craft and personal watercraft:

- (ii) USA EPA Air Pollution Controls 40 CFR Part 1045 – control of emissions from sparkignition propulsion marine engines and ships:
 - (iii) Australian Product Emissions Standards Rules 2017.
- (b) For stationary or auxiliary engines not used for propulsion only (e.g. engines used for power generation or to power machinery such as cranes or winches), a manufacturer’s declaration or certificate of conformity to one of the following standards:
- (i) USA EPA non-road diesel engine emission standards Tier 2 or higher:
 - (ii) Euro non-road emissions standards Stage II or higher – Directive 97/68EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery.
- (4) In respect of the requirement for an owner and a master to hold documentation under rule 199.385 for a marine diesel engine that is a non-propulsion engine (excluding spark-ignition engines), a manufacturer’s declaration or certificate of conformity to one of the following standards is sufficient evidence under rule 199.385(1) of compliance with regulation 13.3 of Annex VI (Tier I):
- (a) USA EPA non-road compression-ignition engines: exhaust emission standards Tier 1:
 - (b) European non-road emissions standards Stage I – Directive 97/68EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery:
 - (c) any documentation relating to that engine referred to in clause 3.2(3).

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

The following material is incorporated by reference in this marine protection transport instrument:

- (a) Directive 2013/53/EU of the European Parliament and of the Council on recreational craft and personal watercraft:
- (b) USA EPA Air Pollution Controls 40 CFR Part 1045 – control of emissions from sparkignition propulsion marine engines and ships:
- (c) Australian Product Emissions Standards Rules 2017:
- (d) USA EPA non-road diesel engine emission standards Tier 2 and 3 - 40 CFR Parts 9, 86, and 89:
- (e) USA EPA non-road diesel engine emission standards Tier 4 - 40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1048, 1051, 1065, and 1068:
- (f) European non-road emissions standards Stage II or higher – Directive 97/68EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery:
- (g) USA EPA non-road compression-ignition engines: exhaust emission standards Tier 1 (EPA420B-16-022):
- (h) European non-road emissions standards Stage I – Directive 97/68EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery.

