

APPENDIX 3

VARIOUS AMENDMENTS 2022

MARINE PROTECTION RULES

PART 199

PREVENTION OF AIR POLLUTION FROM SHIPS

This appendix indicates proposed amendments to Part 199 using the following key:

~~red strikethrough~~

indicates words to be deleted from a rule

green underline

indicates words to be added to a rule

blue in box

indicates a note or comment about an amendment

If we do not have comment boxes in the ITC we can remove the reference to them above

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1 AMENDMENTS TO INCLUDE MARINE PROTECTION TRANSPORT INSTRUMENTS AND REFINE NO_x REQUIREMENTS

Amendment 1.1

Amendments to provide for Director discretion and making of transport instruments

Part objective

The objective of Part 199 is to provide rules for controlling the nature and quantity of air pollution caused by shipping, including exhaust emissions from the combustion of fuel oils and incineration of matter within the marine environment.

Part 199 gives effect to the provisions of Annex VI of the International Convention for the Prevention of Pollution from Ships 1973, as modified from time to time (MARPOL).

MARPOL Annex VI, “Regulations for the Prevention of Air Pollution from Ships”, imposes controls on—

- (a) emissions of ozone depleting substances (“ODS”), nitrogen oxides (“NO_x”), sulphur oxides (“SO_x”) and volatile organic compounds (“VOC”) from ships; and
- (b) shipboard incineration; and
- (c) the quality of fuel oil used on board; and
- (d) carbon intensity of shipping.

To ensure compliance with the above controls, the rules require,

- for ships engaging in international voyages
 - ships of 400 gross tonnage or above to have an International Air Pollution Prevention Certificate (IAPP certificate) and an International Energy Efficiency Certificate (IEE certificate), or
 - ships under 400 gross tonnage that are under a survey regime to have an Annex VI endorsement
- for ships engaging only in domestic voyages
 - ships of 400 gross tonnage or above, or under 400 gross tonnage that are under a survey regime, to have an Annex VI endorsement (for example on a Certificate of Survey for a ship if it is in MOSS) verifying compliance with Annex VI, or
 - ships 400 gross tonnage or more alternatively to have IAPP and IEE certificates.

Surveys of ships are conducted, and ship fuel oil consumption and carbon intensity data for ships of 5,000 gross tonnage or above is collected and reported, to monitor compliance.

The authority for Part 199 is found in sections 386(1), 387(1)(a), (b), (c), (h), (i), and (j), 387(3), 387(5), 388(d), (e), (h), (j), and (o), 390(1)(e) and (f), and 451, and 452, 452A and 452B, of the Maritime Transport Act 1994 (the Act).

Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for considering the rules under that Act.

A maritime transport instrument made under a rule in this Part is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

199.2 Definitions

In these rules, unless the context otherwise requires—

marine protection transport instrument means a transport instrument made under section 452B of the Act;

Equivalents and alternatives

199.22 Director may approve equivalents and alternative NOx control measures

- (1) The Director may approve an equivalent to any fitting, material, appliance, or apparatus to be fitted in a ship or other procedures, alternative fuel oils, or compliance methods used as an alternative to that required in this Part if the Director is satisfied such fitting, material, appliance or apparatus or other procedures, alternative fuel oils, or compliance methods are at least as effective in terms of emissions reductions as that required by this Part.

this is an administrative power under s451(4)

- (2) An equivalent may be approved in a marine protection transport instrument made by the Director for the purposes of subrule (1).

this is a legislative power under s452B

- (3) The Director may approve an alternative NOx control measure in accordance with regulation 13.1.2.2 of Annex VI in relation to any requirement in section C3 of Subpart C.

this is an administrative power under s451(4)

we considered whether the object of the alternative control measure should be C3 or Reg13 or Annex VI here?

- (4) An alternative NOx control measure may be approved in a marine protection transport instrument made by the Director for the purposes of subrule (3).

this is a legislative power under s452B

Refer Appendix 2 and 3 in this document for proposed MPTIs

- (5) A marine protection transport instrument referred to in subrule (2) is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

- (6) A marine protection transport instrument referred to in subrule (4) is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

- (7) The Director may require an approved equivalent or alternative NOx control measure to be recorded in any applicable marine protection document and in a form determined by the Director.

Amendment 1.2

Amendments to provide NOx flexibility for alternative control methods for domestic ships/engines and provide alternatives to EIAPPC

199.381 Application of section C3

- (1) Except as provided in subrules (2), (3), (4), (5), (6), (7), and (8), and as further limited in subsections C3A and C3B, this section applies to each marine diesel engine with a power output of more than 130 kW installed on any of the following:
- (a) a New Zealand ship not engaged in an international voyage:

- (b) a New Zealand platform to which section B3 does not apply;
 - (c) a platform that is in New Zealand jurisdiction.
- (2) This section does not apply to a foreign ship.
- (3) This section does not apply to a New Zealand ship constructed before 19 May 2005, provided that—
- (a) the ship is solely engaged in voyages within New Zealand jurisdiction; and
 - (b) no marine diesel engine installed on the ship has undergone a major conversion on or after 19 May 2005; and
 - (c) the ship is a New Zealand ship on the day before this rule 199.381 comes into force.
- (4) This section does not apply to a New Zealand ship solely engaged in voyages within New Zealand marine waters to the extent **the ship (including any marine diesel engine installed on the ship) complies with** an equivalent, **or an alternative NO_x control measure,** ~~is~~ provided for by the Director under rule 199.22.
- subrule (4) is preferred way to manage 199.22 rather than using similar provision in C3A or C3B. The reason being that C3B is a default if a ship/engine is not in C3A
- (5) This section does not apply to an engine with a power output of 5,000 kW or less that—
- (a) is installed on a ship constructed before 1 January 2000; and
 - (b) has not undergone a major conversion.
- (6) This section does not apply to an engine with a power output of more than 5,000 kW that—
- (a) is installed on a ship constructed before 1 January 1990; and
 - (b) has not undergone a major conversion.
- (7) This section does not apply to an engine with a power output of more than 5,000 kW with a cylinder displacement less than 90 L that—
- (a) is installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000; and
 - (b) has not undergone a major conversion.
- (8) This section does not apply to an engine intended to be used solely for emergencies, or solely to power any device or equipment intended to be used solely for emergencies on the ship on which it is installed, or an engine installed in lifeboats intended to be used solely for emergencies.
- (9) For the purpose of subrules (3)(b), (5)(b), (6)(b), and (7)(b)—
- (a) a major conversion of a marine diesel engine does not include a replacement of an engine with an identical engine, but otherwise a major conversion has the same meaning as in regulation 13.2.1 of Annex VI; and
 - (b) an identical engine means an engine that the Director determines is an identical engine within the meaning given to it in the unified interpretations approved by the IMO in MEPC.1/Circ.795/Rev.4 dated 21 May 2019.

Subsection C3A

199.383 Application of subsection C3A

- (1) Subject to subrule (3), this subsection applies to a marine diesel engine installed on a ship, provided—
- (a) the engine—

- (i) is installed on the ship before the date this rule 199.383 comes into force; and
 - (ii) has not undergone a major conversion on or after the date this rule 199.383 comes into force; and
- (b) the ship—
- (i) is a New Zealand ship on the day before this rule 199.383 comes into force; or
 - (ii) is a New Zealand platform on the day before this rule 199.383 comes into force.
- (2) This subsection also applies to the following marine diesel engines installed on a New Zealand ship or New Zealand platform, regardless of when the ship became a New Zealand ship or New Zealand platform and regardless of when the engine was installed on the ship:
- (a) a non-propulsion engine:
 - (b) a spark-ignition engine.
- (3) Except for those marine diesel engines listed in subrule (4), this subsection will cease to apply to all other marine diesel engines from 30 June 2032; consequently an engine to which this subsection ceases to apply from 30 June 2032 will, on 1 July 2032, be an engine to which subsection C3B applies.
- (4) This subsection will continue to apply to the following marine diesel engines after 30 June 2032:
- (a) a non-propulsion engine:
 - (b) a spark-ignition engine;
 - ~~(c) any other engine the Director determines is of a type that the control measure provided under this subsection is as or more effective than subsection C3B for controlling NOx emissions for that engine-type.~~
- The power to make instruments for alternative control measures will make this provision redundant
- (5) For the purposes of subrules (2) and (4)—
- (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.

Subsection C3B

199.386 Application of subsection C3B

This subsection applies to a marine diesel engine installed on a ship to which subsection C3A does not apply.

Emission limits

199.387 Prohibition on emission of nitrogen oxides

(1) The owner and the master of a ship must ensure a marine diesel engine is not operated on the ship unless the emission of nitrogen oxides from the engine is kept within the applicable emission limit—

- (a) **subject to subrule (3)**, set out in regulation 13 of Annex VI; and
- (b) in accordance with the criteria and procedures set out in the NOx Technical Code.

(2) **Subrule (3) applies to any of the following marine diesel engines:**

(a) a marine diesel engine to which, and when, regulation 13.3 of Annex VI applies:

(b) a marine diesel engine for which regulation 13 of Annex VI prescribes no nitrogen oxide emission limit.

The wording allows for reg13.5.1 to engage as well when that reg is applicable to the engine/ship (ie Tier III to apply in certain situations) – ie we mustn't limit these engines to having only comply as Tier II

(3) The emission of nitrogen oxides from an engine described in subrule (2) must be kept within the nitrogen oxide emission limit set out in regulation 13.4 of Annex VI.

2 AMENDMENTS ENABLING FUEL SAMPLING ON FOREIGN SHIPS, CLARIFYING SURVEYOR ROLES, ALIGNING TRANSITION DATES, AND OTHER MINOR AMENDMENTS

Amendment 2.1

Amendment to clarify engine size for approved method

199.82 Alternative requirements for certain engines more than 5,000 kW of more output

- (1) This rule 199.82 applies to an engine with a power output of more than 5,000 kW with a cylinder displacement at or above 90 L that—
 - (a) is installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000; and
 - (b) has not undergone a major conversion.
- (2) An engine to which this rule applies is not required to meet the requirements in this section provided—
 - (a) an Approved Method is certified in accordance with regulation 13.7 of Annex VI; and
 - (b) regulation 13.7.1.1 of Annex VI is complied with, taking into account the guidelines referred to in regulation 13.7.1 of Annex VI; and
 - (c) regulations 13.7.2, 13.7.3, and 13.7.5 of Annex VI are complied with.
- (3) An Approved Method certified under this rule is not a marine protection document.

199.382 Alternative requirements for certain engines more than 5,000 kW of more output

- (1) This rule 199.382 applies to marine diesel engine with a power output of more than 5,000 kW with a cylinder displacement at or above 90 L that—
 - (a) is installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000; and
 - (b) has not undergone a major conversion.
- (2) An engine to which this rule applies is not required to meet the requirements in this section provided—
 - (a) an Approved Method is certified in accordance with regulation 13.7 of Annex VI; and
 - (b) regulation 13.7.1.1 of Annex VI is complied with, taking into account the guidelines referred to in regulation 13.7.1 of Annex VI; and
 - (c) regulations 13.7.2, 13.7.3, and 13.7.5 of Annex VI are complied with.
- (3) An Approved Method certified under this rule is not a marine protection document.

Amendment 2.2

Amendment to give surveyor discretion as well as Director in 199.20

199.20 Ongoing conformity

The owner and the master of a ship to which Subpart B or section C1 applies must ensure that—

- (a) the equipment on the ship is maintained to conform with the provisions of Annex VI; and
- (b) after any survey required by this Part has been completed, no change, except by way of direct replacement, is made to the equipment, systems, fittings, arrangements, or material covered by the survey, without the express approval of—

(i) for any ship, the Director or a surveyor; or

(ii) for a ship that is less than 400 gross tonnage for which an Annex VI endorsement is held, a holder of a Certificate of Surveyor Recognition issued under rule 44.22.

Amendment 2.3

Amendment to clarify who signs the Annex VI endorsement and who can conduct the survey

199.55 Requirement for Annex VI endorsement

The owner and the master of a ship must ensure a valid Certificate of Survey, New Zealand Barge Safety Certificate, or certificate of fitness under Part 40G for the ship is held that is endorsed by a surveyor, holder of a Certificate of Surveyor Recognition issued under rule 44.22 (this is an Annex VI endorsement) verifying that the requirements in rule 199.57 are complied with (this is an Annex VI endorsement).

This requires the person making an Annex VI endorsement to be a MOSS surveyor

199.57 Annex VI endorsement requirements

- (1) The owner of a ship must ensure that—
 - (a) the ship has been surveyed in accordance with the survey schedule in regulation 5 of Annex VI; and
 - (b) the survey plan referred to in rule 19.43(1), where applicable, includes the survey requirements in subrule (a) and Subpart G of this Part; and
 - (c) the applicable requirements in sections B2 to B7 of this Part are complied with.
- (2) The owner of the ship must ensure the surveys required in subrule (1) are conducted—
 - (a) by a surveyor or who also holder of a Certificate of Surveyor Recognition issued under rule 44.22 holds a Certificate of Surveyor Recognition issued under rule 44.22; and

align with 199.342(2)(b)

- (b) in accordance with the survey plan, where applicable.
- (3) The owner of the ship must ensure the Annex VI endorsement is displayed or made available as follows:
 - (a) for a ship to which Part 19 applies, in accordance with rule 19.65:
 - (b) for a ship for which a New Zealand Barge Safety Certificate is held, in accordance with rule 46.24(4):

- (c) for any other ship, the details of the Annex VI endorsement must be made available for inspection by the Director, if requested.

(4) For the purposes of subrule (1), regulation 5.1.4 of Annex VI does not apply.

199.341 Compliance with Subpart C must be certified

- (1) The owner and the master of a ship must ensure—
 - (a) in respect of a ship that is 400 gross tonnage or more—
 - ~~(i)~~ a valid IAPP certificate, or IAPP Exemption Certificate in accordance with Subpart F, as applicable, and, **if applicable**, a valid IEE certificate are held in respect of the ship; or
 - ~~(ii)~~ **compliance with subrule (b); or**
 - (b) in respect of a ship **of any gross tonnage** for which a Certificate of Survey, New Zealand Barge Safety Certificate, or certificate of fitness under Part 40G is required to be held, a valid Certificate of Survey, New Zealand Barge Safety Certificate, or certificate of fitness under Part 40G for the ship is held that is endorsed by a ~~surveyor~~ **holder of a Certificate of Surveyor Recognition issued under rule 44.22 (this is an Annex VI endorsement)** verifying that the requirements in rule 199.342 are complied with **(this is an Annex VI endorsement)**.

This requires the person making an Annex VI endorsement to be a MOSS surveyor

Amendment to 199.341(1)(a) also to clarify an IEE certificate is not required for UNSP barges by inserting "if applicable"

- (2) For the purposes of subrule (1)(a), and in respect of a ship to which that subrule applies—
 - (a) the Director may issue an IAPP certificate to the ship under rule 199.42 and an IEE certificate to the ship under rule 199.52 provided the Director is satisfied the ship meets the requirements in rules 199.41(4) and 199.42(2) for an IAPP certificate and rules 199.51(4) and 199.52(2) for an IEE certificate; and
 - (b) the owner and the master must—
 - (i) ensure the certificate is carried on board the ship; and
 - (ii) ensure that the certificate is readily available for inspection by the Director and by authorised persons acting on behalf of a Party State at all times; and
 - (iii) comply with the conditions to which each certificate is subject; and
 - (c) the IAPP certificate is subject to the same requirements and conditions as set out in—
 - (i) rule 199.42; and
 - (ii) 199.43; and
 - (d) the IEE certificate is subject to the same requirements and conditions as set out in—
 - (i) rule 199.52; and
 - (ii) rule 199.53.
- (3) The Annex VI endorsement referred to in subrule (1)(b)—
 - (a) is valid for a period not exceeding 5 years; and
 - (b) must be in a form approved by the Director; and

- (c) is neither a marine protection document nor a maritime document.
- (4) The owner and the master of a ship must ensure each certificate or endorsement required in subrule (1) is held from the following time:
 - (a) where subrule (1)(a) applies:
 - (i) for a ship that is a New Zealand ship on the date this rule 199.341 comes into force, upon the scheduled time specified in Schedule 1.2.2(1):
 - (ii) for any other New Zealand ship, upon the first survey in accordance with the survey schedule applicable to an IAPP certificate and, if applicable, an IEE certificate specified in regulations 5 and 6 of Annex VI:
 - (b) where subrule (1)(b) applies:
 - (i) for a ship that is a New Zealand ship on the date this rule 199.341 comes into force, upon the scheduled time specified in Schedule 1.2.2(6):
 - (ii) for any other New Zealand ship, upon the first survey in accordance with the survey schedule applicable to an IAPP certificate and, if applicable, an IEE certificate specified in regulations 5 and 6 of Annex VI.

199.342 Annex VI endorsement requirements

- (1) The owner of a ship to which rule 199.341(1)(b) applies must ensure that—
 - (a) the ship has been surveyed in accordance with the survey schedule in regulation 5 of Annex VI; and
 - (b) the survey plan referred to in rule 19.43(1), where applicable, includes the survey requirements in subrule (a) and Subpart G of this Part; and
 - (c) the applicable requirements in sections C2 to C10 of this Part are complied with.
- (2) The owner of the ship must ensure the surveys required in subrule (1) are conducted—
 - (a) for a ship that is 400 gross tonnage or more, by a surveyor who also holds a Certificate of Surveyor Recognition issued under rule 44.22; and
 - (b) for a ship that is less than 400 gross tonnage, by a surveyor or holder of a Certificate of Surveyor Recognition issued under rule 44.22; and

this requires to person surveying for Annex VI endorsements to be recognised under rule 199.680 if ship is 400GT or more – this leaves smaller ships able to be surveyed by Part 44 CoSR holder

 - (c) in accordance with the survey plan, where applicable.

surveys not under MOSS may not have a survey plan (see definition of maritime transport operation in Part 19 for exceptions that are not in MOSS)
- (3) The owner of the ship must ensure the Annex VI endorsement is displayed or made available as follows:
 - (a) for a ship to which Part 19 applies, in accordance with rule 19.65:
 - (b) for a ship for which a New Zealand Barge Safety Certificate is held, in accordance with rule 46.24(4):
 - (c) for any other ship, the details of the Annex VI endorsement must be made available for inspection by the Director, if requested.
- (4) For the purposes of subrules (1)(a) and (b),
 - (a) for a marine diesel engine to which subsection C3A applies, the survey requirements in regulation 5.3.2 of Annex VI do not apply, and
 - (b) for a ship that is less than 400 gross tonnage, regulation 5.1.4 of Annex VI does not apply.

Amendment 2.4

Amendment to enable fuel sampling on foreign ship

199.603 Compliance with Annex VI emission standards

- (1) For the purposes of this rule 199.603, the following rules apply to a foreign ship:
 - (a) rule 199.361:
 - (b) rule 199.387:
 - (c) subject to subrule (4), rule 199.402:
 - (d) rule 199.442(1):
 - (e) rule 199.462:
 - (f) rule 199.464.
- (2) The owner and the master of a foreign ship must ensure compliance with the requirements in the rules specified in subrules (1)(a) to (ef).
- (3) To avoid doubt, this rule 199.603 applies—
 - (a) to a foreign ship of the same type to which the rules referred to in subrules (1)(a) to (ef) apply; and
 - (b) to a foreign ship regardless that the application of the rules referred to in subrules (1)(a) to (ef) is specified in those rules as being limited to a New Zealand ship.
- (4) For the purposes of the requirement in subrule (1)(c)—
 - (a) the exception provided in rule 199.402 for a ship with an equivalent approved by the Director does not apply to a foreign ship; however
 - (b) rule 199.402 is subject to any equivalent approved in accordance with Annex VI by the flag State of the foreign ship so far as it provides an exception to regulation 14.1 of Annex VI for the sulphur content of fuel oil used by the ship.

Amendment 2.5

Amendment to change survey cycles to align with later accession date and suspended C3 date changes

199.164 Fuel oil sample verification

- (1) The Director may request the master of a ship to provide to the Director any of the following fuel oil samples:
 - (a) a sample of fuel oil intended to be used or carried for use on board the ship:
 - (b) a sample of fuel oil in use on the ship:
 - (c) where applicable, a representative sample of fuel oil retained under rule 199.163(4).
- (2) Upon a request for a sample of fuel oil by the Director under subrule (1), the master must provide to the Director the fuel oil sample in accordance with the procedures in Appendix VI of Annex VI and taking into account IMO guidance titled *Guidelines For On Board Sampling Of Fuel Oil Intended To Be Used Or Carried For Use On Board A Ship*.
- (3) The Director may verify that any of the following fuel oil samples meet the requirement in rule 199.162, in accordance with the verification procedures in Appendix VI of Annex VI and taking into account IMO guidance titled *Guidelines For On Board Sampling Of Fuel Oil Intended To Be Used Or Carried For Use On Board A Ship*:
 - (a) where applicable, a representative sample of fuel oil retained under rule 199.163(4):

- (b) a sample of fuel oil intended to be used or carried for use on board the ship provided under subrule (2):
- (c) a sample of fuel oil in use on the ship provided under subrule (2).
- (4) The owner and the master of a ship that is a New Zealand ship that is 400 gross tonnage or more or a New Zealand platform must ensure, except for fuel oil service systems for a low-flashpoint fuel for combustion purposes for propulsion or operation on board the ship, a sampling point is fitted or designated for the purpose of taking samples of the fuel oil being used on board the ship taking into account IMO guidance titled *Guidelines For On Board Sampling Of Fuel Oil Intended To Be Used Or Carried For Use On Board A Ship*.
- (5) The requirement in subrule (4) does not apply to a ship constructed before 1 April 2022 until the first renewal survey, as identified in regulation 5.1.2 of Annex VI, on or after 1 April 2023.

no change as compliance date is April 2023

Schedule 1.2 Transitions

Transitional provisions relating to certificates

- 1.2.1 This Schedule applies only to ships that exist, and to which Part 199 applies, on the date this Schedule 1.2 comes into force.
- 1.2.2 The following are not required to be held until the first intermediate or renewal survey after 1 January 2023, but in no case later than 1 April 2025:

- (1) IAPP certificate under rule 199.41 or 199.341(4)(a)(i):
- (2) IEE certificate under rule 199.51 or 199.341(4)(a)(i):
- (3) Approved Technical File under rule 199.84:
- (4) EIAPP certificate under rule 199.86:
- (5) Type Approval Certificate for an incinerator under rule 199.144:
- (6) Annex VI endorsement under rule 199.56(2)(a) or 199.341(4)(b)(i):
- (7) Approved Technical File under rule 199.388:
- (8) EIAPP certificate under rule 199.390:
- (9) Type Approval Certificate for an incinerator under rule 199.444.

- 1.2.3 The following are not required to be submitted to the Director until the first intermediate or renewal survey after ~~30 June 2022~~ 1 January 2023:

comes into force in November 2022 and 1 Jan avoids potential retrospectivity of the 30 June 2022 date

- (1) Attained EEDI under rule 199.184:
- (2) Attained EEDI under rule 199.484.

- 1.2.4 The following must be held, and where applicable verified, by 1 January 2023:

- (1) SEEMP under rule 199.201(5)(a):
- (2) SEEMP under rule 199.501(5)(a).

- 1.2.5 The following Attained EEXI is not required to be submitted to the Director until the following time:

- (1) for the Attained EEXI under rule 199.186, at the first annual, intermediate, or renewal survey after 1 January 2023:
- (2) for the Attained EEXI under rule 199.486, at the first intermediate, or renewal survey after 1 January 2023.

- 1.2.6 The following must be submitted to the Director before 31 March 2024:
- (1) the first attained annual operational CII under rule 199.188:
 - (2) the first attained annual operational CII under rule 199.488.
- 1.2.7 The following must be held before 1 June 2024:
- (1) the first Statement of Compliance under rule 199.225 relating to fuel oil consumption of a ship:
 - (2) the first Statement of Compliance under rule 199.525 relating to fuel oil consumption of a ship.
- 1.2.8 The following are not required to be held until the first intermediate or renewal survey on or after 1 April 2032, but in no case later than 1 April 2035:
- (1) for a ship to which subsection C3A applies but that is transitioning into subsection C3B before 1 April 2032, the Approved Technical File under rule 199.388:
 - (2) for a ship to which subsection C3A applies but that is transitioning into subsection C3B before 1 April 2032, the EIAPP certificate under rule 199.390.
- 1.2.9** An Annex VI endorsement under rule 199.341(4)(b)(i) is not required to be held until the first intermediate or renewal survey after 1 April 2023, but in no case later than 1 April 2025:

Amendment 2.6

Amendment to align terminology between 199.145(4) and 199.445(4)

199.445 Type Approval Certificate issue

- (1) The Director may approve a shipboard incinerator if the Director is satisfied it meets the applicable requirements and standards in—
 - (a) regulation 16 of Annex VI; and
 - (b) IMO resolution MEPC.244(66); and
 - (c) IMO resolution MEPC.76(40); and
 - (d) IMO resolution MEPC.59(33).
- (2) An approval under subrule (1) must be in the form specified in Annex 5 of IMO resolution MEPC.244(66).
- (3) An approval of an incinerator on a ship that is made in accordance with regulation 16 of Annex VI by another Party State is deemed to be an approval made by the Director under subrule (1)—
 - (a) if the approval made by the other Party State, immediately prior to the ship becoming a New Zealand ship or New Zealand platform, is valid; and
 - (b) when the ship becomes a New Zealand ship or New Zealand platform.
- (4) For the avoidance of doubt the Director may ~~revoke~~ ~~cancel~~ an approval that is deemed under subrule (3) to be an approval made by the Director under subrule (1).
- (5) An approval under subrule (1) is not a marine protection document for the purposes of the Act.

Amendment 2.7

Amendment to align terminology for surveyors and CoSR holders (regarding endorsements primarily)

199.681 Surveyor responsibilities

- (1) A surveyor who undertakes a survey in relation to an IAPP certificate or an IEE certificate under this Part must conduct the survey in accordance with the requirements in regulations 5 and 6 of Annex VI, including, as applicable:
 - (a) for an initial survey, in accordance with regulation 5.1.1 of Annex VI:
 - (b) for a renewal survey, in accordance with regulation 5.1.2 of Annex VI:
 - (c) for an intermediate survey, in accordance with regulation 5.1.3 of Annex VI:
 - (d) for an annual survey, in accordance with regulation 5.1.4 of Annex VI:
 - (e) for an additional survey, in accordance with regulation 5.1.5 of Annex VI:
 - (f) for the survey of marine diesel engines and equipment for compliance with regulation 13 of Annex VI, in accordance with regulation 5.3.2 of Annex VI.
- (2) A surveyor who is satisfied following completion of an annual, intermediate, or additional survey of a ship, in accordance with regulations 5 and 6 of Annex VI that the applicable requirements of those regulations are met, must endorse the relevant certificate to that effect.
- (3) When conducting a survey under this Part, if the surveyor or person who holds a Certificate of Surveyor Recognition issued under rule 44.22, as applicable determines that the condition of equipment does not correspond substantially with the particulars of the relevant certificate, the surveyor or person who holds a Certificate of Surveyor Recognition issued under rule 44.22, as applicable must—
 - (a) ensure that corrective action is taken in accordance with regulation 5.3.3 of Annex VI; and
 - (b) notify the Director.
- (4) Where the surveyor undertakes a survey of a ship to which section B8, B9, B10, C8, C9, or C10 applies, the surveyor must—
 - (a) for an initial survey, before the issue of an IEE certificate, or before an Annex VI endorsement is made in respect of the ship, verify—
 - (i) where subsection B8A or C8A applies, the ship's attained EEDI in accordance with regulation 5.4.1 of Annex VI; and
 - (ii) where subsection B8B or C8B applies, the ship's attained EEXI in accordance with regulation 5.4.7 of Annex VI; and
 - (b) for a general or partial survey after a major conversion of a ship to which rule 199.183(1) or 199.483(1) applies, ensure the attained EEDI is recalculated as necessary and meets the requirements in regulation 21 of Annex VI, in accordance with regulation 5.4.1 of Annex VI; and
 - (c) for a survey after a major conversion of an existing ship, where the conversion is so extensive that the Director determines the ship is as a newly constructed ship and is required to undergo an initial survey, conduct an initial survey to—
 - (i) where subsection B8A or C8A applies, ensure the attained EEDI is calculated and meets the requirements in regulation 20 of Annex VI, in accordance with regulation 5.4.1 of Annex VI; and
 - (ii) where subsection B8B or C8B applies, ensure the attained EEXI is calculated and meets the requirements in regulation 23 and 25 of Annex VI, in accordance with regulation 5.4.7 of Annex VI; and
 - (iii) verify the ship's SEEMP is on board and has been revised appropriately, in accordance with regulation 5.4.1 of Annex VI; and
 - (d) when conducting a survey on a ship that has had an initial survey before the date this rule 199.681 comes into force, at the first intermediate or renewal survey on or after 1 January 2023, verify the ship's SEEMP—
 - (i) is on board, in accordance with regulation 5.4.4 of Annex VI; and

- (ii) for a ship to which section B10 or C10 applies, complies with regulations 22.2 and 22.3 of Annex VI; and
- (e) when conducting a survey on a ship that has had an initial survey before the date this rule 199.681 comes into force, verify the ship's attained EEXI in accordance with regulation 5.4.7 of Annex VI as follows:
 - (i) for a ship to which rule 199.186(4) is applicable, at the first annual, intermediate, or renewal survey on or after 1 January 2023:
 - (ii) for a ship to which rule 199.486(4) is applicable, at the first intermediate, or renewal survey on or after 1 January 2023; and
 - (f) for a general or partial survey after a major conversion of a ship to which subsection B8B or C8B applies, ensure the attained EEXI is recalculated as necessary and meets the requirements in regulation 25 of Annex VI, in accordance with regulation 5.4.8 of Annex VI.
- (5) A surveyor **(or person who holds a Certificate of Surveyor Recognition issued under rule 44.22, as applicable)** who undertakes a survey in relation to an Annex VI endorsement under this Part must conduct the survey in accordance with rule 199.57 or 199.342 as applicable.

199.682 Surveyor to apply IMO guidelines

When conducting a survey under this Part, the surveyor **(or person who holds a Certificate of Surveyor Recognition issued under rule 44.22, as applicable)** must conform with the following IMO guidelines, as applicable:

- (a) *Survey Guidelines Under The Harmonized System Of Survey And Certification* adopted by the International Maritime Organization:
- (b) *Guidelines On Survey And Certification Of The Energy Efficiency Design Index*, adopted by the Marine Environment Protection Committee of the International Maritime Organization:
- (c) *Guidelines For The Use Of Electronic Record Books Under MARPOL*, adopted by the Marine Environment Protection Committee of the International Maritime Organization:
- (d) *Guidelines As Required By Regulation 13.2.2 Of MARPOL Annex VI In Respect Of Non-Identical Replacement Engines Not Required To Meet The Tier III Limit*, adopted by the Marine Environment Protection Committee of the International Maritime Organization:
- (e) *Guidelines For The Application Of The NOx Technical Code Relative To Certification And Amendments Of Tier I Engines*, adopted by the Marine Environment Protection Committee of the International Maritime Organization:
- (f) *Guidelines For Exemption Of Unmanned Non-Self-Propelled (UNSP) Barges From Certain Survey And Certification Requirements Under The MARPOL Convention* adopted by the Marine Environment Protection Committee of the International Maritime Organization.

199.683 Surveyor to provide survey report

- (1) A surveyor **(or person who holds a Certificate of Surveyor Recognition issued under rule 44.22, as applicable)** must, as soon as practicable following each survey, complete and provide a survey report, including the details in subrule (2), to the Director, and, as applicable, to the ship owner.
- (2) Each survey report must be in a form approved by the Director and include—
 - (a) the name and signature of the person who completed the survey; and
 - (b) the MSA/MNZ number of the ship; and
 - (c) the name of the relevant certificate in respect of which the survey is being conducted; and

- (d) a statement attesting that the ship or engine and any relevant survey plan are maintained at the date of survey; and
- (e) any deficiencies, operating limitations, and dates by which remedies must be completed for the relevant certificate to remain valid; and
- (f) the date of survey; and
- (g) date of expiry of the relevant certificate; and
- (h) any further information required by the Director in the approved form.

Amendment 2.8

Amendment to introduce a new linking provision in reg5.4.6 for verification under rules 199.201(5)(a) and 199.501(5)(a)

199.201 Ship Energy Efficiency Management Plan

- (1) The owner and the master of a ship must ensure a Ship Energy Efficiency Management Plan is prepared for the ship in accordance with regulation 22 of Annex VI, taking into account the guidelines developed by the IMO titled *Guidelines For The Development Of A Ship Energy Efficiency Management Plan (SEEMP)*.
- (2) The owner and the master of a ship that is 5,000 gross tonnage or more must ensure the Ship Energy Efficiency Management Plan includes—
 - (a) a description of the methodology to be used to collect the data required by regulation 22A.1 of Annex VI and the format and processes to be used to report the data to the Director in accordance with regulation 22A of Annex VI; and
 - (b) for a ship to which subsection B8C applies—
 - (i) a description of the methodology to be used to calculate the ship's Attained Annual Operational CII required by regulation 28 of Annex VI and the processes to be used to report this value to the Director in accordance with regulation 26.3 of Annex VI; and
 - (ii) the Required Annual Operational CII for the next 3 years, as specified in regulation 28 of Annex VI; and
 - (iii) an implementation plan documenting how the Required Annual Operational CII will be achieved during the next 3 years; and
 - (iv) a procedure for self-evaluation and improvement.
- (3) The owner and the master of a ship must ensure the Ship Energy Efficiency Management Plan prepared for the ship is complied with.
- (4) The owner and the master of a ship to which section B10 applies must ensure the Ship Energy Efficiency Management Plan is verified by the Director in accordance with regulation 5.4.5 of Annex VI.
- (4A) The owner and the master of a ship to which section B8C applies must ensure the Ship Energy Efficiency Management Plan is verified by the Director in accordance with regulation 5.4.6 of Annex VI.
- (5) The Ship Energy Efficiency Management Plan must be held from the following time:
 - (a) for a ship to which subrule (2) applies that is a New Zealand ship on the date this rule 199.201 comes into force, upon the scheduled time specified in Schedule 1.2.4(1):
 - (b) for any other New Zealand ship, upon the first survey in accordance with the applicable survey schedule specified in regulations 5 and 22 of Annex VI.

199.501 Ship Energy Efficiency Management Plan

- (1) The owner and the master of a ship must ensure a Ship Energy Efficiency Management Plan is prepared for the ship in accordance with regulation 22 of Annex VI, taking into account the guidelines developed by the IMO titled *Guidelines For The Development Of A Ship Energy Efficiency Management Plan (SEEMP)*.
- (2) The owner and the master of a ship that is 5,000 gross tonnage or more must ensure the Ship Energy Efficiency Management Plan includes—
 - (a) a description of the methodology to be used to collect the data required by regulation 22A.1 of Annex VI and the format and processes to be used to report the data to the Director in accordance with regulation 22A of Annex VI; and
 - (b) for a ship to which subsection C8C applies—
 - (i) a description of the methodology to be used to calculate the ship's Attained Annual Operational CII required by regulation 28 of Annex VI and the processes to be used to report this value to the Director in accordance with regulation 26.3 of Annex VI; and
 - (ii) the Required Annual Operational CII for the next 3 years, as specified in regulation 28 of Annex VI; and
 - (iii) an implementation plan documenting how the Required Annual Operational CII will be achieved during the next 3 years; and
 - (iv) a procedure for self-evaluation and improvement.
- (3) The owner and the master of a ship must ensure the Ship Energy Efficiency Management Plan prepared for the ship is complied with.
- (4) The owner and the master of a ship to which section C10 applies must ensure the Ship Energy Efficiency Management Plan is verified by the Director in accordance with regulation 5.4.5 of Annex VI.
- (4A) The owner and the master of a ship to which section C8C applies must ensure the Ship Energy Efficiency Management Plan is verified by the Director in accordance with regulation 5.4.6 of Annex VI.**
- (5) The Ship Energy Efficiency Management Plan must be held from the following time:
 - (a) for a ship to which subrule (2) applies that is a New Zealand ship on the date this rule 199.501 comes into force, upon the scheduled time specified in Schedule 1.2.4(2):
 - (b) for any other New Zealand ship, upon the first survey in accordance with the applicable survey schedule specified in regulations 5 and 22 of Annex VI.

Amendment 2.9

Minor amendments to ensure rules work as intended – aligning exclusion of ships from subsection C3A and section C3 with Annex VI provisions

199.381 Application of section C3

- (1) Except as provided in subrules (2), (3), (4), (5), (6), (7), and (8), and as further limited in subsections C3A and C3B, this section applies to each marine diesel engine with a power output of more than 130 kW installed on any of the following:
 - (a) a New Zealand ship not engaged in an international voyage:
 - (b) a New Zealand platform to which section B3 does not apply:
 - (c) a platform that is in New Zealand jurisdiction.
- (2) This section does not apply to a foreign ship.

- (3) This section does not apply to a New Zealand ship constructed before 19 May 2005, provided that—
 - (a) the ship is solely engaged in voyages **to ports or offshore installations that are** within New Zealand jurisdiction; and
 - (b) no marine diesel engine installed on the ship has undergone a major conversion on or after 19 May 2005; and
 - (c) the ship is a New Zealand ship on the day before this rule 199.381 comes into force.
- (4) *[as amended in Amendment 1.2]*
- (5) This section does not apply to an engine with a power output of 5,000 kW or less that—
 - (a) is installed on a ship constructed before 1 January 2000; and
 - (b) has not undergone a major conversion.
- (6) This section does not apply to an engine with a power output of more than 5,000 kW that—
 - (a) is installed on a ship constructed before 1 January 1990; and
 - (b) has not undergone a major conversion.
- (7) This section does not apply to an engine with a power output of more than 5,000 kW with a cylinder displacement less than 90 L that—
 - (a) is installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000; and
 - (b) has not undergone a major conversion.
- (8) This section does not apply to an engine intended to be used solely for emergencies, or solely to power any device or equipment intended to be used solely for emergencies on the ship on which it is installed, or an engine installed in lifeboats intended to be used solely for emergencies.
- (9) For the purpose of subrules (3)(b), (5)(b), (6)(b), and (7)(b)—
 - (a) a major conversion of a marine diesel engine does not include a replacement of an engine with an identical engine, but otherwise a major conversion has the same meaning as in regulation 13.2.1 of Annex VI; and
 - (b) an identical engine means an engine that the Director determines is an identical engine within the meaning given to it in the unified interpretations approved by the IMO in MEPC.1/Circ.795/Rev.4 dated 21 May 2019.

Subsection C3A

199.383 Application of subsection C3A

- (1) Subject to subrule (3), this subsection applies to a marine diesel engine installed on a ship, provided—
 - (a) the engine—
 - (i) is installed on the ship before the date this rule 199.383 comes into force; and
 - (ii) has not undergone a major conversion on or after the date this rule 199.383 comes into force; and
 - (b) the ship **is solely engaged in voyages within New Zealand jurisdiction and**—
 - (i) is a New Zealand ship on the day before this rule 199.383 comes into force; or

- (ii) is a New Zealand platform on the day before this rule 199.383 comes into force.
- (2) This subsection also applies to the following marine diesel engines installed on a New Zealand ship or New Zealand platform, regardless of when the ship became a New Zealand ship or New Zealand platform and regardless of when the engine was installed on the ship:
 - (a) a non-propulsion engine:
 - (b) a spark-ignition engine.
- (3) Except for those marine diesel engines listed in subrule (4), this subsection will cease to apply to all other marine diesel engines from 30 June 2032; consequently an engine to which this subsection ceases to apply from 30 June 2032 will, on 1 July 2032, be an engine to which subsection C3B applies.
- (4) [*as amended in Amendment 1.2*]
- (5) For the purposes of subrules (2) and (4)—
 - (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.

APPENDIX 4

MARINE PROTECTION TRANSPORT INSTRUMENT

MPTI-199-1

Secondary Legislation



MARINE PROTECTION TRANSPORT (ALTERNATIVE NO_x CONTROL MEASURE – MARINE DIESEL ENGINES ON RECREATIONAL SHIPS UNDER SUBSECTION C3B) 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

day of

2022

By Kirstie Hewlett

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 – marine diesel engines on recreational ships under subsection C3B) Instrument* [also referred to as MPTI-199-1].

1.2 Commencement

This marine protection transport instrument comes into force on [date to be inserted].

1.3 What this marine protection transport instrument does

This marine protection transport instrument (MPTI-199-1) specifies NO_x control measures for marine diesel engines installed on recreational ships as an alternative to those specified in subsection C3B of Part 199.

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

Terms used in this marine protection transport instrument that are defined in Part 199 have the same meaning set out in Part 199.

Section 3 Approved 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 installed on a New Zealand ship—

- (a) for which neither an IAPP certificate nor an Annex VI endorsement are required to be held; and
- (b) to which subsection C3B of Part 199 would, but for this MPTI-199-1, apply.

Existing engines are in transition under subsection C3A until 2032. During this transition commercial ships (and any new non-propulsion or spark-ignition engines) must meet emission limits per 199.384 and have assurance documentation under 199.385 – the Director has discretion what documentation is required

Engines on recreational ships are only required to have documentation if they fall under 199.384(1)(b), which are new non-propulsion or spark-ignition engines.

In summary—

1. all existing engines on recreational ships have no NO_x emission requirements until 2032
2. all existing engines on recreational ships are not required to have documentation or meet NO_x limits until 2032
3. only new or modified non-propulsion engines on recreational ships are required to meet NO_x limits and have documentation under subsection C3A (this is covered in Appendix 3)
4. only new or modified engines on recreational ships are required to have an EIAPPC under subsection C3B (this is covered in clause 3.1)

3.2 Approved alternative NO_x control measure

- (1) This marine protection transport instrument provides an alternative NO_x control measure approved by the Director 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) is complied with.
- (3) In respect of the requirement for an owner and a master to hold an EIAPP certificate under rule 199.390 for a marine diesel engine, the owner and the master may hold the following as an alternative:
 - (a) a Technical File of the parent engine in a family or group applicable to the engine, approved by a Party State administration or a classification society.

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

No material is incorporated by reference in this marine protection transport instrument.

APPENDIX 5

MARINE PROTECTION TRANSPORT INSTRUMENT

MPTI-199-2

Existing engines are in transition under subsection C3A until 2032. Also included in subsection C3A are new non-propulsion and spark-ignition engines.

During this transition commercial ships (per 199.384(1)(a)) and new non-propulsion or spark-ignition engines (per 199.384(1)(b)) must meet emission limits per 199.384 and have assurance documentation under 199.385 – the Director has discretion what documentation is required

This MPTI covers what documentation is required under 199.385(2) for both

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 on commercial ships under subsection C3A) Instrument* [also referred to as MPTI-199-2]

1.2 Commencement

This marine protection transport instrument comes into force on [date to be inserted].

1.3 What this marine protection transport instrument does

This marine protection transport instrument (MPTI-199-2) 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 Approved alternative NO_x control measure

3.1 Application of marine protection Transport Instrument MPTI-199-2)

This marine protection transport instrument applies to a marine diesel engine that is a non-propulsion or spark-ignition marine diesel engine installed on, or intended to be installed on, a New Zealand ship to which rule 199.385(2) applies.

3.2 Approved alternative NO_x control measure

- (1) This marine protection transport instrument provides an alternative NO_x control measure approved by the Director 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) 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(2):
 - (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 spark-ignition 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 Tier 2 non-road diesel engine emission standards:
 - (ii) Euro Stage II non-road emissions standards.

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 spark-ignition propulsion marine engines and ships:
- (c) Australian Product Emissions Standards Rules 2017:
- (d) USA EPA non-road diesel engine emission standards Tier 2:
- (e) Euro Stage II non-road emissions standards.

APPENDIX 6

MARINE PROTECTION TRANSPORT INSTRUMENT

MPTI-199-3

Existing propulsion engines are in transition under subsection C3A until 2032.

During this transition commercial ships (per 199.384(1)(a)) must meet emission limits per 199.384 and have assurance documentation under 199.385 – the Director has discretion what documentation is required

This MPTI covers what documentation is required under 199.385(2)

Secondary Legislation



MARINE PROTECTION TRANSPORT (ALTERNATIVE NO_x CONTROL MEASURE – PROPULSION MARINE DIESEL ENGINES ON COMMERCIAL SHIPS UNDER SUBSECTION C3A) INSTRUMENT

MPTI-199-3

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

day of

2022

By Kirstie Hewlett

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 – propulsion marine diesel engines on commercial ships under subsection C3A) Instrument* [also referred to as MPTI - 199-3]

note rec ships under C3A are not required to have documentation during the 10 year transition so are not included in this MPTI

note non-propulsion engines (commercial and rec ships) under C3A have their own MPTI

1.2 Commencement

This marine protection transport instrument comes into force on [*date to be inserted*].

1.3 What this marine protection transport instrument does

This marine protection transport instrument (MPTI-199-3) specifies NO_x control measures for a marine diesel engines installed on existing commercial ships as an alternative to that specified in rule 199.385(2)(a) in subsection C3A of Part 199.

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.

1.3 What this marine protection transport instrument does

This marine protection transport instrument (MPTI-199-3) specifies NO_x control measures for propulsion marine diesel engines installed on commercial ships as an alternative to those specified in rule 199.385(2)(a) in subsection C3A of Part 199.

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

Terms used in this marine protection transport instrument that are defined in Part 199 have the same meaning set out in Part 199.

Section 3 Approved alternative NO_x control measure

3.1 Application of marine protection Transport Instrument MPTI-199-3

This marine protection transport instrument applies to a marine diesel engine installed on a New Zealand ship—

- (a) for which an IAPP certificate or an Annex VI endorsement is required to be held; and

(b) to which rule 199.385(2)(a) applies.

3.2 Approved alternative NO_x control measure

- (1) This marine protection transport instrument provides an alternative NO_x control measure approved by the Director 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 (4), as applicable, is complied with.
- (3) In respect of the requirement for an owner and a master to hold documentation sufficient to evidence that the engine meets the requirement in rule 199.384(1), the following documentation is sufficient evidence under rule 199.385(2):
 - (a) a Technical File of the parent engine in a family or group applicable to the engine, approved by a Party State administration or a classification society:
 - (b) any of the following documentation provided it contains sufficient information on the level of NO_x emissions from the engine:
 - (i) the engine manufacturer's product manual:
 - (ii) correspondence from the engine manufacturer:
 - (ii) other emissions certification issued by (or on behalf of) an IMO member state:
 - (iii) evidence that the engine meets an overseas standard for engines that equals or exceeds the Annex VI NO_x emission standard.
- (4) In respect of the requirement for an owner and a master to hold documentation sufficient to evidence that the engine meets the requirement in rule 199.384(2), the following documentation is sufficient evidence under rule 199.385(2):
 - (a) a Technical File of the parent engine in a family or group applicable to the engine, approved by a Party State administration or a classification society.

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

No material is incorporated by reference in this marine protection transport instrument.