

# Marine Protection Rules

## Part 199: Prevention of air pollution from ships

MNZ Consolidation

*1 January 2023*

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## 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<sub>x</sub>"), sulphur oxides ("SO<sub>x</sub>") 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, 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 marine protection transport instrument made under a rule in this Part is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

### Disclaimer:

This document is the current consolidated version of Marine Protection Rules Part 199 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz)

## History of Part 199

Part 199 entered into force on 26 August 2022.

<b>Amendment</b>	<b>Effective date</b>
Amendment 1	25 November 2022
Amendment 2	1 January 2023
Amendment 3	1 January 2023

## Summary of amendments

### Amendment 1

On 25 November 2022, the following suspended rules entered into force:

- (a) the rules in subsection B8B:
- (b) the rules in subsection B8C:
- (c) the rules in subsection C8B:
- (d) the rules in subsection C8C:
- (e) rule 199.614:
- (f) the rules in Subpart F:
- (g) the rules in Schedule 2.

The changes in Schedule 2 are put into effect.

### Amendment 2

On 1 January 2023, Part 199 Amendment 2022 came into effect.

This amendment made the following changes in Part 199:

Part objective, rules 199.2, 199.3, 199.20, 199.22, 199.57, 199.81, 199.82, 199.201, 199.341, 199.342, 199.381, 199.382, 199.383, 199.384, 199.385, 199.386, 199.387, 199.388, 199.389, 199.390, 199.445, 199.501, 199.603, 199.681, 199.682, 199.683, and Schedule 1.2.

### Amendment 3

On 1 January 2023, the suspended rules in section C3 entered into force.

All signed rules can be found on our website:

<https://www.maritimenz.govt.nz/Rules/>

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## Application, interpretation, and other preliminary provisions

### 199.1 Application

- (1) This Part applies to a ship, and each marine diesel engine installed on a ship, where the ship is—
  - (a) a New Zealand ship; and
  - (b) a New Zealand platform; and
  - (c) any other ship in New Zealand jurisdiction.
- (2) This Part applies, in relation to any ship or engine referred to in subrule (1), to the following persons:
  - (a) the operator of that ship:
  - (b) the owner of that ship:
  - (c) the master of that ship:
  - (d) the surveyor performing a survey of that ship or engine:
  - (e) the shipbuilder:
  - (f) the marine diesel engine manufacturer.
- (3) This Part does not apply to—
  - (a) a warship; and
  - (b) every other ship of the New Zealand Defence Force.
- (4) In accordance with regulation 3.1 of Annex VI, this Part does not apply to emissions—
  - (a) necessary for the purpose of securing the safety of a ship or saving life at sea; or
  - (b) resulting from damage to a ship or its equipment.
- (5) This Part does not apply to emissions directly arising from the exploration, exploitation, and associated offshore processing of sea-bed mineral resources in accordance with regulation 3.3.1 of Annex VI.
- (6) The limits to the scope of the application for each Subpart are specified in the Subpart and, where appropriate, for a section or a rule in a Subpart, or a Schedule, are specified in the section, rule, or Schedule.
- (7) This Part does not apply to areas of water that are on the landward side of the internal waters of New Zealand.

### 199.2 Definitions

In this Part unless the context otherwise requires—

**Act** means the Maritime Transport Act 1994:

**Annex VI** means Annex VI of the Convention:

**Annex VI endorsement** means an endorsement made on a certificate pursuant to rule 199.55 or 199.341(1)(b):

**Annex VI substances** has the meaning set out in section 222(1) of the Act:

**anniversary date** means, subject to regulation 9.8 of Annex VI, the day and the month of each year that correspond to the date of expiry of the IAPP certificate:

**Approved Technical File** means a Technical File—

- (a) approved by the Director in accordance with rule 199.85(1) or 199.389(1); or

- (b) approved by another Administration in accordance with 199.84(1)(b) or 199.388(1)(b):

**Certificate of Survey** has the meaning set out in rule 44.2:

**commercial ship** has the meaning set out in section 2 of the Act:

**constructed**, in relation to a ship, means—

- (a) having the keel of the ship laid; or
- (b) being at a stage at which—
  - (i) construction identifiable with a specific ship begins; and
  - (ii) the assembly of the ship has commenced and reached at least 50 tonnes or 1 percent of the estimated mass of all structural material, whichever is less:

**Convention** means the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL), and includes any subsequent protocol or amendment to, or revision of, that convention accepted (or deemed to be accepted), or ratified by New Zealand:

**Director** means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Act:

**domestic voyage** means a voyage by a ship that is not an international voyage:

**EIAPP certificate** means Engine International Air Pollution Prevention Certificate issued in accordance with Annex VI and the NO<sub>x</sub> Technical Code:

**electronic record book** means a device or system, approved by the Director or another authority of an Administration under rule 199.21, used to electronically record the required entries for discharges, transfers, and other operations as required under Annex VI in lieu of a hard copy record book:

**emission** means any release of a substance subject to control by this Part from a ship into the atmosphere or sea:

**exclusive economic zone of New Zealand** has the meaning set out in section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

**foreign ship** means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

- (a) a barge, lighter, or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) a submarine or other submersible;

but does not include a New Zealand ship:

**FPSO** means a floating production, storage, and offloading facility:

**FSU** means a floating storage unit:

**fuel oil** means any fuel delivered to and intended for combustion purposes for propulsion or operation on board a ship, including gas, distillate, and residual fuels:

**gross tonnage** means the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships 1969:

**IAPP certificate** means International Air Pollution Prevention Certificate issued in accordance with Annex VI:

**IEE certificate** means International Energy Efficiency Certificate issued in accordance with Annex VI:

**IMO** means the International Maritime Organization:

**installed**, in relation to a marine diesel engine, has the meaning set out in regulation 2 of Annex VI:

**internal waters of New Zealand** has the meaning set out in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

**international voyage** means a journey by water—

- (a) from a port in New Zealand to a port or offshore terminal outside of New Zealand or vice versa; or
- (b) for a New Zealand ship, a port or offshore terminal outside New Zealand to another port or offshore terminal outside New Zealand:

**major conversion**—

- (a) in relation to a ship, has the meaning set out in regulation 2 of Annex VI; and
- (b) in relation to an engine installed on a ship, has the meaning set out in regulation 13 of Annex VI:

**marine diesel engine** has the meaning set out in regulation 2 of Annex VI:

**marine protection product** means—

- (a) anything or any substance specified as a marine protection product for the purposes of this definition by the marine protection rules; and
- (b) anything that comprises, or is intended to comprise, any part of a ship, offshore installation, or pipeline, or that is or is intended to be installed on or fitted or supplied to a ship, offshore installation, or pipeline for the purpose of preventing, limiting, or controlling a discharge or the escape of a harmful substance, ballast water, or an Annex VI substance, including (but not limited to)—
  - (i) any plant or equipment that treats or is intended to treat a harmful substance, ballast water, or an Annex VI substance; and
  - (ii) any plant or equipment that monitors or is intended to monitor the discharge or escape of a harmful substance, ballast water, or an Annex VI substance; and
- (c) any substance used or intended to be used for the dispersal or emulsification of a harmful substance or ballast water in the sea:

**marine protection transport instrument** means a transport instrument made by the Director, for the purposes of this Part, under section 452B of the Act:

**New Zealand Barge Safety Certificate** means a certificate issued under Part 46:

**New Zealand Defence Force** has the meaning set out in section 2 of the Act:

**New Zealand jurisdiction** means—

- (a) the internal waters of New Zealand; and
- (b) the territorial sea of New Zealand; and
- (c) the exclusive economic zone of New Zealand; and
- (d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

**New Zealand marine waters** means—

- (a) the territorial sea of New Zealand; and
- (b) the waters of the exclusive economic zone of New Zealand:

**New Zealand platform** has the meaning set out in rule 199.4:

**New Zealand ship** means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

**NO<sub>x</sub> Technical Code** has the meaning set out in Annex VI:

**offshore terminal** means any place in the sea where cargo is loaded or unloaded:

**operate**, in relation to a ship, means to sail or use the ship, or cause or permit the ship to sail, be used, or be in any place, whether or not the person is present with the ship; and **operating**, **operation**, and **operator** have corresponding meanings:

**overall length** means the length of the hull excluding bowsprits, booms, bumpkins, pulpits, and the like:

**owner**—

- (a) in relation to a ship that is registered in New Zealand under the Ship Registration Act 1992—
  - (i) means the registered owner of the ship; and
  - (ii) includes a charterer or other person who is for the time being responsible for the management of the ship if, due to a charter or demise or for any other reason, the registered owner is not responsible for that management:
- (b) in relation to a ship that is registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a ship that is not registered, or is registered but does not have a registered owner, means the person who is for the time being responsible for the management of the ship:
- (d) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) applies, means the person registered as the owner in the Fishing Vessel Register kept under section 98 of the Fisheries Act 1996:

**ozone depleting substances** has the meaning set out in regulation 2 of Annex VI:

**non-Party State** means a State for which Annex VI has not entered into force:

**Part** means a group of rules made under the Act:

**Party State** means a State for which Annex VI has entered into force:

**platform** means a ship that is a fixed or floating platform, including (but not limited to) FSUs, FPSOs, and drilling rigs:

**port** has the meaning set out in section 2 of the Act:

**reception facility** has the meaning set out in section 222(1A) of the Act:

**recognised organisation** means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization's Code for Recognized Organizations (RO Code), governing the undertaking of particular survey and certification functions by that organisation's employees under the Maritime Transport Act 1994 and the rules:

**rules** includes maritime rules and marine protection rules:

**section** means a group of rules made under a Subpart:

**ship** has the meaning set out in Article 2(4) of the Convention:

**Subpart** means a group of rules made under a Part:

**surveyor** means—

- (a) a person employed as a surveyor by a recognised organisation to undertake an activity that Part 199 requires be undertaken by a surveyor; or
- (b) a person recognised by the Director under rule 199.680 as a surveyor entitled to undertake surveys for the purposes of Part 199:

**Technical File**, in relation to a marine diesel engine, means the record containing all details of parameters, including components and settings of the engine, that may influence the NO<sub>x</sub> emission of the engine, required by 2.3.4 of the NO<sub>x</sub> Technical Code:

**territorial sea of New Zealand** has the meaning set out in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

**unmanned non-self-propelled barge** means a barge that—

- (a) is not propelled by mechanical means; and
- (b) has no system, equipment and/or machinery fitted that may generate emissions regulated by this Annex; and
- (c) has neither persons nor living animals on board:

**valid**, in relation to a document or approval, means that it is legitimately made, has not expired, and has not otherwise ceased to have effect:

**Examples**

An IAPP certificate that has been suspended or revoked by the Director under Part 22 of the Act ceases to have effect and is not valid.

An IEE certificate that ceases to be in force under rule 199.43(d) ceases to have effect and is not valid.

A Type Approval Certificate that is terminated by the Director ceases to have effect and is not valid.

**warship** has the meaning set out in section 2 of the Act.

**199.3 Interpretation**

- (1) For the purposes of this Part, except as otherwise provided in this Part, a reference to the Administration in Annex VI or the NO<sub>x</sub> Technical Code, or in guidelines referred to in Annex VI or the NO<sub>x</sub> Technical Code, is taken to mean—
  - (a) in relation to a platform in New Zealand jurisdiction, a New Zealand platform, or a New Zealand ship—
    - (i) the New Zealand authority having statutory control over, or obligation to control or regulate, a particular aspect, product, or process related to that reference to the Administration; or
    - (ii) the Director, where there is no determinable authority under subrule (i); and
  - (b) in relation to a foreign ship, the government of the State—
    - (i) under whose authority the ship is operating; or
    - (ii) whose flag the ship is entitled to fly.

## Marine Protection Rules

- (2) The Director may exercise any power or function that is referred to as a power or function of the Administration in a provision in the Convention, Annex VI, or the NO<sub>x</sub> Technical Code provided—
  - (a) a rule in this Part requires compliance with that provision; and
  - (b) subrule (1)(a)(i) applies to the Director or subrule (1)(a)(ii) applies, in respect of that rule.
- (3) Where a matter in these rules is left to the Director to determine then the means of complying with the rule may be set out in guidance material and published on the MNZ website.
- (4) Where a ship is a platform, a reference in this Part, Annex VI, or the NO<sub>x</sub> Technical Code to the master of the ship means the person on board the platform who has overall responsibility for its operations.
- (5) Regardless of the limits of the application specified in Annex VI or the NO<sub>x</sub> Technical Code, the requirements and standards in Annex VI and the NO<sub>x</sub> Technical Code apply, to the extent specified in this Part, to a ship to which this Part applies.
- (6) A guideline that is referenced in a rule in this Part is material that is incorporated by reference and, in accordance with section 452(4) of the Act, forms part of the rule in which it is referred.
- (7) Material that is incorporated by reference in this Part includes any amendment to that material that is notified and available in accordance with sections 452(4), (5), and (6) of the Act.
- (8) A platform is not included within a reference in a rule to a ship of a specified gross tonnage (GT).

### Example

A platform (even if it is also a New Zealand ship and is engaged in an international voyage) is not within the scope of a rule that states “This rule applies to a New Zealand ship that is 400 gross tonnage or more engaged in an international voyage”.

- (9) Where any requirement in Part 199 refers to a survey cycle specified in Annex VI that applies a date before this rule 199.3 comes into force, that survey cycle will apply from the date this rule 199.3 comes into force.
- (10) Where any conflict arises between a requirement in Annex VI or the NO<sub>x</sub> Technical Code and a rule in this Part, the rule shall prevail.
- (11) A reference in a rule in this Part to a marine protection transport instrument is a reference to a marine protection transport instrument as amended or replaced from time to time.

### 199.4 Meaning of New Zealand platform

- (1) For the purposes of Part 199, New Zealand platform means a platform that is owned by—
  - (a) a New Zealand national or New Zealand nationals, and no other person; or
  - (b) 3 or more persons as joint owners (otherwise than as described in subrule (c)), and the majority of those persons are New Zealand nationals; or
  - (c) 2 or more persons as owners in common, and more than half of the shares in the ship are owned by 1 or more New Zealand nationals.
- (2) For the purposes of subrule (1)(c), where 2 or more persons are joint owners of any number of shares in the platform, the following apply:



- (a) in the case of 2 or more particular shares that are owned by the same persons, the interest of each owner in those shares shall be ascertained by dividing the number of shares by the number of owners of the shares:
  - (b) in the case of a share to which subrule (a) does not apply, the interest of each owner in the share shall be ascertained by dividing the number 1 by the number of owners of the share:
  - (c) if the sum of the interests so ascertained in respect of all jointly-owned shares in the platform as being interests of a New Zealand national or New Zealand nationals is a whole number or a whole number and a fraction, such number of shares as is equal to that whole number shall be deemed to be owned by a New Zealand national or New Zealand nationals.
- (3) For the purposes of subrules (1) and (2), a New Zealand national has the meaning set out in section (2) of the Ship Registration Act 1992.

**199.5 Transition, consequential, and related provisions**

The transitional, consequential, and related provisions set out in Schedules 1 and 2 have effect according to their terms.

**199.6 to 199.19 Reserved**

## Subpart A General

### Ongoing conformity

#### 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.

### Electronic record books

#### 199.21 Use of electronic record books

- (1) This rule 199.21 applies to the following records:
  - (a) ozone depleting substances record book in rules 199.65, 199.66, 199.365, and 199.366:
  - (b) recording of the tier and on/off status of marine diesel engines in rules 199.89 and 199.393:
  - (c) record of fuel oil changeover in rules 199.104(4)(c) and (d), and in rules 199.404(4)(c) and (d):
  - (d) record book of engine parameters in rules 199.90 and 199.394.
- (2) A record referred to in subrule (1) may be made in an electronic record book if—
  - (a) the electronic record book forms part of an electronic recording system of the ship; and
  - (b) the system is in accordance with guidelines issued by the IMO titled *Guidelines For The Use Of Electronic Record Books Under MARPOL*; and
  - (c) the system is approved by—
    - (i) for a New Zealand ship or a New Zealand platform, the Director in accordance with the guidelines referred to in subrule (b) before the system is installed on the ship; or
    - (ii) for any other ship, the authority of an Administration entitled to approve the system for the ship in accordance with the guidelines referred to in subrule (b).

### Equivalent and alternatives

#### 199.22 Equivalent and alternative NO<sub>x</sub> 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.

- (2) A marine protection transport instrument may specify equivalents 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 by this Subpart, subject to the Director being satisfied that such equivalent is at least as effective in terms of emissions reductions as that required by this Part.
- (3) The Director may approve an alternative NO<sub>x</sub> control measure in accordance with regulation 13.1.2.2 of Annex VI in relation to any requirement in section C3 of Subpart C.
- (4) A marine protection transport instrument may specify alternative NO<sub>x</sub> control measures in accordance with regulation 13.1.2.2 of Annex VI in relation to any requirement in section C3 of Subpart C.
- (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 equivalent or alternative NO<sub>x</sub> control measure approved under subrule (1) or (3), or specified under subrule (2) or (4), to be recorded in any applicable marine protection document and in a form determined by the Director.

## **Occurrences**

### **199.23 Occurrence reporting**

- (1) For the purposes of this rule 199.23, an occurrence on board a ship means an accident or defect occurring to or on a ship or to its equipment that substantially affects the ability of the ship or equipment to comply with Part 199.
- (2) In the event of an occurrence on board a ship, where the ship is one to which Subpart B or C applies, the owner and the master must report the occurrence, as soon as practicable, to—
  - (a) the Director; and
  - (b) where the occurrence affects a ship or equipment on a ship for which an IAPP certificate or an Annex VI endorsement is held, the recognised organisation whose employee issued the IAPP certificate or the surveyor who made the Annex VI endorsement.

## **Annex VI substances**

### **199.24 Specified Annex VI substances**

For the purposes of the definition of Annex VI substances in section 222(1) of the Act, the following are Annex VI substances:

- (a) ozone depleting substances:
- (b) nitrogen oxides referred to in regulation 13 of Annex VI:
- (c) sulphur oxides referred to in regulation 14 of Annex VI:
- (d) volatile organic compounds referred to in regulation 15 of Annex VI:
- (e) substances referred to in regulations 16.2, 16.3, and 16.4 of Annex VI, and emissions from incineration of those substances:

## **Marine Protection Rules**

- (f) waste from any system (for example an exhaust gas cleaning system) used in relation to an equivalent provided for under rule 199.22.

## **Marine protection products**

### **199.25 Specified marine protection products**

For the purposes of the definition of marine protection product in section 222(1) of the Act, the following are marine protection products:

- (a) a marine diesel engine:
- (b) a shipboard incinerator as defined in rules 199.141 and 199.441.

## **IMO reporting**

### **199.26 Director reports to IMO**

The Director must report to the IMO any matters required under Annex VI to be reported by the Administration to it in accordance with the requirements in Annex VI.

### **199.27 to 199.39 Reserved**

## **Subpart B      New Zealand Ships On International Voyage; New Zealand Platforms On Voyage To Foreign Jurisdiction**

### **Section B1      Ship certification**

#### **IAPP certificate**

#### **199.40      Application of rules 199.41 to 199.43**

Rules 199.41 to 199.43 apply to any of the following:

- (a) a New Zealand ship that is 400 gross tonnage or more engaged in an international voyage:
- (b) a New Zealand platform engaged in a voyage to, in, or from waters under the sovereignty or jurisdiction of another State.

#### **199.41      Requirement for IAPP certificate**

- (1) The owner and the master of a ship must ensure a valid IAPP certificate, or IAPP Exemption Certificate in accordance with Subpart F, as applicable, is held in respect of the ship.
- (2) The owner and the master must ensure that the IAPP certificate is—
  - (a) carried on board the ship; and
  - (b) readily available for inspection by the Director and by authorised persons acting on behalf of a Party State at all times.
- (3) The owner and the master must comply with the conditions to which each certificate is subject.
- (4) The owner of the ship must ensure the survey required in rule 199.42(2)(a) is conducted by a surveyor who is employed by a recognised organisation.
- (5) The owner and the master of a ship must ensure the certificate required in subrule (1) is held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.41 comes into force, upon the scheduled time specified in Schedule 1.2.2(1):
  - (b) for any other New Zealand ship, upon the first survey in accordance with the survey schedule applicable to an IAPP certificate specified in regulations 5 and 6 of Annex VI.

#### **199.42      Issue, variation, and endorsement of IAPP certificate**

- (1) The owner of a ship required to hold an IAPP certificate under rule 199.41 must apply to the Director to issue an IAPP certificate in respect of the ship in accordance with section 269 of the Act.
- (2) The Director must issue an IAPP certificate in accordance with section 270 of the Act if satisfied that the ship—
  - (a) has been surveyed in accordance with regulation 5 of Annex VI; and
  - (b) complies with the applicable requirements in regulation 5 of Annex VI.
- (3) Each certificate issued by the Director must be—

## **Marine Protection Rules**

- (a) in English; and
  - (b) in the form set out in Appendix I of Annex VI.
- (4) An IAPP certificate may be varied provided—
- (a) the ship has been surveyed in accordance with regulation 5 of Annex VI; and
  - (b) for an IAPP certificate that is required to be endorsed under regulation 6 of Annex VI — the certificate is endorsed accordingly; and
  - (c) to the extent that the variation relates to the period of validity of an IAPP certificate — the variation is in accordance with regulation 9 of Annex VI.
- (5) An IAPP certificate is a marine protection document for the purposes of the Act.

### **199.43 Duration and conditions of IAPP certificate**

An IAPP certificate issued by the Director in respect of a ship—

- (a) must be issued for a period not exceeding 5 years; and
- (b) must be issued in accordance with regulation 9 of Annex VI; and
- (c) is subject to the conditions in regulation 9 of Annex VI; and
- (d) without limiting any action taken under Part 22 of the Act, ceases to be valid in any of the cases specified in regulation 9.9 of Annex VI.

### **199.44 to 199.49 Reserved**

### **IEE certificate**

#### **199.50 Application of rules 199.51 to 199.53**

- (1) Rules 199.51 to 199.53 apply to a New Zealand ship that is 400 gross tonnage or more engaged in an international voyage.
- (2) Rules 199.51 to 199.53 do not apply to a ship not propelled by mechanical means.

#### **199.51 Requirement for IEE certificate**

- (1) The owner and the master of a ship must ensure a valid IEE certificate is held in respect of the ship.
- (2) The owner and the master must ensure that the IEE certificate is—
  - (a) carried on board the ship; and
  - (b) readily available for inspection by the Director and by authorised persons acting on behalf of a Party State at all times.
- (3) The owner and the master must comply with the conditions to which the IEE certificate is subject.
- (4) The owner of the ship must ensure the survey required in rule 199.52(2)(a) is conducted by a surveyor who is employed by a recognised organisation.
- (5) The owner and the master of a ship must ensure the certificate required in subrule (1) is held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.51 comes into force, upon the scheduled time specified in Schedule 1.2.2(2);
  - (b) for any other New Zealand ship, upon the first survey in accordance with the survey schedule applicable to an IEE certificate specified in regulations 5 and 6 of Annex VI.

**199.52 Issue, variation, and endorsement of IEE certificate**

- (1) The owner of a ship must apply to the Director to issue an IEE certificate in respect of the ship in accordance with section 269 of the Act.
- (2) The Director must issue an IEE certificate in accordance with section 270 of the Act if satisfied that the ship—
  - (a) has been surveyed in accordance with regulation 5.4 of Annex VI as set out in regulation 6.4 of the Annex; and
  - (b) complies with the applicable requirements in regulation 5 of Annex VI.
- (3) Each IEE certificate issued by the Director must be—
  - (a) in English; and
  - (b) in the form set out in Appendix VIII of Annex VI.
- (4) An IEE certificate may be varied as a consequence of the ship being surveyed in accordance with regulation 5.4 of Annex VI.
- (5) An IEE certificate is a marine protection document for the purposes of the Act.

**199.53 Duration and conditions of IEE certificate**

An IEE certificate issued by the Director in respect of a ship—

- (a) remains valid for the life of the ship in accordance with regulation 9.10 of Annex VI; and
- (b) without limiting any action taken under Part 22 of the Act, ceases to be valid in any of the cases specified in regulation 9.11 of Annex VI.

**Annex VI endorsement**

**199.54 Application of rules 199.54 to 199.57**

Rules 199.55 to 199.57 apply to a New Zealand ship—

- (a) that is less than 400 gross tonnage; and
- (b) engaged in an international voyage; and
- (c) in respect of which a Certificate of Survey, New Zealand Barge Safety Certificate, or certificate of fitness under Part 40G is required to be held.

**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 (this is an Annex VI endorsement) verifying that the requirements in rule 199.57 are complied with.

**199.56 Issue, endorsement, and duration**

- (1) For the purposes of rule 199.55 the Annex VI endorsement—
  - (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.
- (2) The owner and the master of a ship must ensure the Annex VI endorsement required in rule 199.55 is held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.56 comes into force, upon the scheduled time specified in Schedule 1.2.2(6):

- (b) for any other New Zealand ship, upon the first survey in accordance with the survey schedule applicable to an IAPP certificate specified in regulations 5 and 6 of Annex VI.

**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 holder of a Certificate of Surveyor Recognition issued under rule 44.22; and
  - (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.

**199.58 and 199.59 Reserved**

**Section B2 Ozone depleting substances**

**199.60 Application**

- (1) Except as otherwise further limited in a rule in this section, this section applies to any of the following:
  - (a) a New Zealand ship engaged in an international voyage:
  - (b) a New Zealand platform engaged in a voyage to, in, or from waters under the sovereignty or jurisdiction of another State.
- (2) This section does not apply to any minimal releases associated with the recapture or recycling of an ozone depleting substance.

**199.61 Prohibition on emission of ozone depleting substances**

A person must not deliberately cause an emission from a ship of an ozone depleting substance.

**199.62 Prohibition on certain installations**

- (1) The owner and the master of a ship must ensure that no installation is on board the ship.
- (2) For the purposes of subrule (1) an **installation**—



- (a) means systems, equipment (including any portable fire-extinguishing units), insulation, or other material installed on a ship that contain ozone depleting substances (other than hydrochlorofluorocarbons) installed on a ship;  
but does not include—
- (i) any systems, equipment, insulation, or other material that is installed on the ship before 19 May 2005; and
  - (ii) any repair or recharge of systems, equipment, insulation, or other material installed on the ship before 19 May 2005; and
  - (iii) any recharge of a portable fire extinguishing unit that is installed on the ship before 19 May 2005; and
  - (iv) permanently sealed equipment where there are no refrigerant charging connections or potentially removable components containing ozone depleting substances; and
- (b) means systems, equipment (including any portable fire-extinguishing units), insulation, or other material that contains hydrochlorofluorocarbons substances but no other ozone depleting substances installed on a ship;  
but does not include—
- (i) any systems, equipment, insulation, or other material that is installed on the ship before 1 January 2020; and
  - (ii) any repair or recharge of systems, equipment, insulation, or other material that is installed on the ship before 1 January 2020; and
  - (iii) any recharge of a portable fire extinguishing unit that is installed on the ship before 1 January 2020; and
  - (iv) permanently sealed equipment where there are no refrigerant charging connections or potentially removable components containing ozone depleting substances.

**199.63 Delivery of substances to reception facilities**

- (1) The owner and the master of a ship must ensure any ozone depleting substance, when removed from a ship, is delivered to a reception facility.
- (2) The owner and the master of a ship must ensure any equipment containing an ozone depleting substance, when removed from a ship, is delivered to a reception facility.
- (3) For the purposes of subrules (1) and (2) the reception facility must be one authorised by the applicable laws of the State in which the reception facility is located for receiving the particular ozone depleting substance.

**199.64 List of equipment containing ozone depleting substances**

- (1) This rule 199.64 applies to a New Zealand ship that is 400 gross tonnage or more and to a New Zealand platform.
- (2) The owner and the master of a ship must maintain a list of all systems and equipment containing ozone depleting substances.
- (3) The master must ensure the list is kept on board the ship.
- (4) The list must be maintained in the form specified and provide the details required by section 2.1 of the supplement to the IAPP certificate in Appendix 1 of Annex VI.

**199.65 Ozone depleting substances record book**

- (1) This rule 199.65 applies to a New Zealand ship that is 400 gross tonnage or more and to a New Zealand platform.

## **Marine Protection Rules**

- (2) If a ship has a rechargeable system that contains ozone depleting substances, the owner and the master must maintain an Ozone Depleting Substances Record Book.
- (3) The master must ensure the Ozone Depleting Substances Record Book is kept on board the ship.
- (4) The Ozone Depleting Substances Record Book may form part of an existing logbook approved by the Director under a marine protection rule or an electronic record book.

### **199.66 Ozone depleting substances record book — entries**

- (1) This rule 199.66 applies to a New Zealand ship that is 400 gross tonnage or more and to a New Zealand platform.
- (2) When any of the events set out in subrule (3) occurs, the master must ensure an entry of the event, in terms of mass (kg) of substance, is made in the Ozone Depleting Substances Record Book without delay.
- (3) The events referred to in subrule (2) are as follows:
  - (a) the full or partial recharge of equipment that contains ozone depleting substances:
  - (b) the repair or maintenance of equipment that contains ozone depleting substances:
  - (c) the discharge by the ship of any ozone depleting substances to the atmosphere (whether deliberate or not):
  - (d) the discharge by the ship of any ozone depleting substances to any land-based reception facilities:
  - (e) the supply of any ozone depleting substances to the ship.

**199.67 to 199.79 Reserved**

## **Section B3 Nitrogen oxides (NO<sub>x</sub>)**

### **Purpose and application**

#### **199.80 Purpose of section B3**

The purpose of this section is to provide the means for assurance that each marine diesel engine to which regulation 13 of Annex VI applies complies with the relevant limiting emission values of NO<sub>x</sub> in accordance with regulation 13 of Annex VI and the NO<sub>x</sub> Technical Code.

#### **199.81 Application of section B3**

- (1) Except as provided in subrules (2), (3), (4), and (5), 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 engaged in an international voyage:
  - (b) a New Zealand platform engaged in a voyage to, in, or from waters under the sovereignty or jurisdiction of another State.
- (2) 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; and

- (c) is installed on a ship that is a New Zealand ship on the day before this rule 199.81 comes into force.
- (3) 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; and
  - (c) is installed on a ship that is a New Zealand ship on the day before this rule 199.81 comes into force.
- (4) 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; and
  - (c) is installed on a ship that is a New Zealand ship on the day before this rule 199.81 comes into force.
- (5) 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.
- (6) For the purpose of subrules (2)(b), (3)(b), and (4)(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 meaning set out 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 and published in its circular titled “Unified Interpretations to MARPOL Annex VI”.

### **Approved Method**

#### **199.82 Alternative requirements for certain engines more than 5,000 kW 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.

## **Emission limits**

### **199.83 Prohibition on emission of nitrogen oxides**

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) set out in regulation 13 of Annex VI; and
- (b) in accordance with the criteria and procedures set out in the NO<sub>x</sub> Technical Code.

## **Engine certification**

### **199.84 Requirement for Technical File**

- (1) The owner and the master of a ship must ensure—
  - (a) a Technical File, prepared by the marine diesel engine manufacturer is held for each marine diesel engine installed on the ship; and
  - (b) each Technical File is approved in accordance with Annex VI and the NO<sub>x</sub> Technical Code; and
  - (c) each Technical File is—
    - (i) maintained in good order and not subjected to any unauthorised alteration, amendments, omission, or deletions; and
    - (ii) carried on board the ship; and
    - (iii) readily available for inspection by the Director and by authorised persons acting on behalf of a Party State at all times.
- (2) The owner and the master of a ship must ensure the Approved Technical File is held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.84 comes into force, upon the scheduled time specified in Schedule 1.2.2(3);
  - (b) for any other New Zealand ship, in accordance with the schedule specified in Chapter 2 of the NO<sub>x</sub> Technical Code.
- (3) For the purposes of subrule (1)(b), the term “Administration” in Annex VI and the NO<sub>x</sub> Technical Code is not limited by rule 199.3(1).

### **199.85 Approval of Technical File**

- (1) The Director may approve the Technical File for each marine diesel engine installed on the ship if—
  - (a) all the information in the Technical File is in accordance with the NO<sub>x</sub> Technical Code; and
  - (b) the Technical File is in the form required by the NO<sub>x</sub> Technical Code; and
  - (c) the engine has a valid EIAPP issued for it.
- (2) The Technical File for each applicable diesel engine installed on the ship will cease to be approved when—
  - (a) the engine undergoes a major conversion; or
  - (b) the EIAPP certificate associated with the Technical File ceases to be valid; or
  - (c) any of the information required in 2.4.1 of the NO<sub>x</sub> Technical Code changes.

- (3) For the purpose of subrule (2)(a), a major conversion has the meaning set out in regulation 13 of Annex VI subject to the clarification in 199.81(6).
- (4) An Approved Technical File is not a marine protection document.
- (5) The owner and the master of a ship must notify the Director as soon as practicable when any of the events referred to in subrule (2) occurs.

**199.86 Requirement for EIAPP certificate**

- (1) The owner and the master of a ship must ensure—
  - (a) a valid EIAPP certificate is held for each marine diesel engine installed on the ship; and
  - (b) the EIAPP certificate is issued in accordance with Annex VI and the NO<sub>x</sub> Technical Code; and
  - (c) the EIAPP certificate is—
    - (i) carried on board the ship; and
    - (ii) readily available for inspection by the Director and by authorised persons acting on behalf of a Party State at all times.
- (2) The owner and the master of a ship must ensure the EIAPP certificate required in subrule (1) is held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.86 comes into force, upon the scheduled time specified in Schedule 1.2.2(4);
  - (b) for any other New Zealand ship, in accordance with the schedule specified in Chapter 2 of the NO<sub>x</sub> Technical Code.
- (3) For the purposes of subrule (1)(b), the term “Administration” in Annex VI and the NO<sub>x</sub> Technical Code is not limited by rule 199.3(1).

**199.87 Issue of EIAPP certificate**

- (1) A person may apply to the Director to issue an EIAPP certificate in respect of each marine diesel engine installed on a New Zealand ship.
- (2) The Director may issue an EIAPP certificate if satisfied that—
  - (a) the marine diesel engine has been surveyed in accordance with Annex VI and the NO<sub>x</sub> Technical Code; and
  - (b) the emissions from the marine diesel engine are likely to be within the limits specified in regulation 13 of Annex VI for the intended operation of the engine.
- (3) The EIAPP certificate must be in the form set out in Appendix I of the NO<sub>x</sub> Technical Code.
- (4) An EIAPP certificate is not a marine protection document for the purposes of the Act.

**199.88 Duration and conditions of EIAPP certificate**

An EIAPP certificate remains valid for the life of the engine, subject to surveys in accordance with regulation 5 of Annex VI.

**Record keeping**

**199.89 Record keeping – tier and on/off status of marine diesel engines**

- (1) The owner and the master of a ship must ensure a record is kept on board the ship containing the information required in relation to a marine diesel engine by regulation 13.5.3 of Annex VI when any of the following occurs:

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- (a) the ship enters a NO<sub>x</sub> Tier III emission control area:
  - (b) the ship leaves a NO<sub>x</sub> Tier III emission control area:
  - (c) the on/off status of the engine changes within the NO<sub>x</sub> Tier III emission control area.
- (2) For the purpose of subrule (1), a NO<sub>x</sub> Tier III emission control area is an area specified—
- (a) in regulation 13.6 of Annex VI; or
  - (b) under Appendix III of Annex VI.

### **199.90 Record Book – Engine parameters**

The owner and the master of a ship equipped with a marine diesel engine required to undergo an engine parameter check method under the NO<sub>x</sub> Technical Code must ensure—

- (a) a record is maintained containing the information required in 6.2.2.7 of the NO<sub>x</sub> Technical Code; and
- (b) the record required under subrule (a) is kept on board the ship.

**199.91 to 199.99 Reserved**

## **Section B4 Sulphur oxides (SO<sub>x</sub>) and particulate matter**

### **199.100 Application of section B4**

This section applies to any of the following:

- (a) a New Zealand ship engaged in an international voyage:
- (b) a New Zealand platform engaged in a voyage to, in, or from waters under the sovereignty or jurisdiction of another State.

### **199.101 Definition of SO<sub>x</sub> Emission Control Area**

For the purpose of this section, a SO<sub>x</sub> Emission Control Area means an area specified in regulation 14 of Annex VI as an Emission Control Area.

### **199.102 Sulphur content of fuel oil**

- (1) Except as provided in subrule (2) and rule 199.103, the owner and the master of a ship must ensure the sulphur content of fuel oil used, or carried for use, on board a ship does not exceed the limit set out in regulation 14.1 of Annex VI.
- (2) The owner and the master of a ship must ensure the sulphur content of any fuel oil used on board a ship within a SO<sub>x</sub> Emission Control Area does not exceed the limit set out in regulation 14.4 of Annex VI.

### **199.103 Equivalentents**

Rule 199.102 does not apply to a New Zealand ship to the extent an equivalent is approved by the Director under rule 199.22.

### **199.104 Change-over of fuel oil on entering or leaving SO<sub>x</sub> Emission Control Area**

- (1) This rule 199.104 applies to a ship—
  - (a) that changes fuel oil of higher sulphur content to fuel oil of lower sulphur content before entering a SO<sub>x</sub> Emission Control Area; or
  - (b) that changes fuel oil of lower sulphur content to fuel oil of higher sulphur content after leaving a SO<sub>x</sub> Emission Control Area.

- (2) The owner and the master of a ship must ensure the ship carries a written procedure—
  - (a) showing how the change-over of the fuel oil is to be done; and
  - (b) that has provision in it to ensure there is sufficient time before a ship enters a SO<sub>x</sub> Emission Control Area to allow for the fuel oil service system on the ship to be fully flushed of all fuel oil the sulphur content of which exceeds the limit set out in regulation 14.4 of Annex VI.
- (3) The owner and the master of a ship must, when subrule (1)(a) or (b) applies, fully flush the fuel oil service system on the ship in accordance with the procedure in subrule (2).
- (4) The owner and the master of a ship must ensure the following requirements are complied with:
  - (a) the information required in subrule (b) must be acquired, and relate to the circumstances, at the following times:
    - (i) in the case of subrule (1)(a), when the change-over of the fuel oil is completed before the ship enters a SO<sub>x</sub> Emission Control Area:
    - (ii) in the case of subrule (1)(b), when the change-over of the fuel oil is commenced after the ship leaves a SO<sub>x</sub> Emission Control Area.
  - (b) the following information referred to in subrule (a) is required:
    - (i) the volume of the fuel oil the sulphur content of which is within the limit set out in regulation 14.4 of Annex VI in each tank:
    - (ii) the date, time, and position of the ship:
  - (c) the information referred to in subrule (b) must be recorded in a log-book:
  - (d) the log-book must be kept on board the ship.

199.105 to 199.119    **Reserved**

## **Section B5            Volatile organic compounds**

### **199.120    Application of section B5**

This section applies to a New Zealand tanker engaged in an international voyage.

### **199.121    Definitions of terms used in section B5**

In this section:

**designated port or terminal** means a port or terminal—

- (a) that is designated by a Party State as a port or terminal at which emission of volatile organic compounds is to be regulated; and
- (b) for which a notification of the designation has been submitted to IMO pursuant to regulation 15 of Annex VI:

**gas carrier** means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas:

**New Zealand tanker** means a tanker that is a New Zealand ship:

**tanker** has the meaning set out in regulation 2 of Annex VI:

**vapour emission collection system** means a system for the collection of volatile organic compounds:

**VOC** means Volatile Organic Compounds.

**199.122 Use of vapour emission collection system**

- (1) Subject to subrules (2) and (3), the owner and the master of a New Zealand tanker within a designated port or terminal must ensure—
  - (a) the tanker is equipped with a vapour emission collection system approved by the Director under rule 199.124; and
  - (b) the vapour emission collection system is used during the loading of the cargoes the types of which are specified in the notification of the designation of the port or the terminal submitted to IMO.
- (2) Subrule (1) applies 3 years after the effective date specified in the notification of the designation if the operator of the port or the terminal allows the tanker to load the cargoes at the port or the terminal.
- (3) If a tanker is a gas carrier, subrule (1) only applies if the type of loading and containment systems of the tanker allow the safe retention of non-methane volatile organic compounds on board or the safe return of such compounds ashore.

**199.123 Tanker carrying crude oil to have VOC Management Plan**

The owner and the master of a New Zealand tanker carrying crude oil must ensure there is carried on board, and implemented, the Volatile Organic Compounds Management Plan that is approved by the Director under rule 199.125.

**199.124 Director may approve a vapour emission collection system**

The Director may approve a vapour emission collection system taking into account IMO circular titled *Standards for Vapour Emission Control Systems*.

**199.125 Director may approve a VOC Management Plan**

The Director may approve a VOC Management Plan if satisfied that the Plan—

- (a) takes into account the following guidelines developed by the IMO:
  - (i) *Guidelines For The Development Of A VOC Management Plan:*
  - (ii) *Technical Information On Systems And Operation To Assist Development Of VOC Management Plans:*
  - (iii) *Technical Information On A Vapour Pressure Control System In Order To Facilitate The Development And The Update Of VOC Management Plans;* and
- (b) is specific to the ship; and
- (c) provides written procedures for minimising VOC emissions during the loading, sea passage and discharge of cargo; and
- (d) gives consideration to the additional VOC generated by crude oil washing; and
- (e) identifies the person responsible for implementing the plan; and
- (f) is written in the working language of the master and officers and, if the working language of the master and officers is not English, French, or Spanish, include a translation into one of these languages.

**199.126 to 199.139 Reserved**

## **Section B6 Shipboard incineration**

**199.140 Application of section B6**

This section applies to a New Zealand ship engaged in an international voyage.



**199.141 Definitions of terms used in section B6**

In this section:

**approved incinerator** means a shipboard incinerator in respect of which a Type Approval Certificate has been issued:

**batch-loaded shipboard incinerator** means a shipboard incinerator utilising a process whereby the loading of waste is carried out in separate batches:

**continuous-feed shipboard incinerator** means a shipboard incinerator utilising a process whereby waste is fed into a combustion chamber without human assistance while the incinerator is in normal operating conditions with the combustion chamber operative temperature between 850°C and 1,200°C:

**sewage sludge** means the sediment of sewage:

**shipboard incineration** means the incineration of wastes or other matter on board a ship, if such wastes or other matter were generated during the normal operation of that ship:

**shipboard incinerator** means a shipboard facility designed for the primary purpose of incineration:

**sludge oil** means—

- (a) sludge from fuel or lubricating oil separators; or
- (b) waste lubricating oil from main or auxiliary machinery; or
- (c) waste oil from bilge water separators, oil filtering equipment, or drip trays:

**Type Approval Certificate** means a Certificate of Shipboard Incinerator issued by the Director under rule 199.145 certifying that a shipboard incinerator has been examined and tested in accordance with the standard specification issued by IMO.

**199.142 General compliance obligations**

***To ensure incineration of Annex VI substances, and its process, are in accordance with regulation 16 of Annex VI***

- (1) The owner and the master of a ship must comply with rule 199.143 and, where applicable, rules 199.144(3), (7), (8), (9), and (10).

***To assure quality of the incineration system on board the ship***

- (2) The owner and the master of a ship must comply with all other applicable requirements in this section.

**199.143 Requirements for shipboard incineration**

- (1) Subject to subrule (4), shipboard incineration must be conducted in a shipboard incinerator.
- (2) The substance for shipboard incineration must not be a substance listed in regulation 16.2 of Annex VI.
- (3) If the substance for shipboard incineration is polyvinyl chlorides, the incineration must be conducted in an approved incinerator.
- (4) If the substance for incineration is sewage sludge, or sludge oil, generated during the normal operation of the ship, the incineration may take place in the main or auxiliary power plant or boilers of the ship while it is not inside a port, harbour, or estuary.

**199.144 Additional requirements for incinerators installed after 1999**

- (1) This rule 199.144 applies to a shipboard incinerator installed on a ship—
  - (a) if the ship is constructed on or after 1 January 2000; or

- (b) if the shipboard incinerator is installed on or after 1 January 2000.
- (2) Each shipboard incinerator on the ship must be an approved incinerator.
- (3) The shipboard incinerator must operate within the limits set out in Appendix IV of Annex VI.
- (4) An operating manual referred to in subrule (5), relating to the shipboard incinerator, must be kept on board the ship.
- (5) The operating manual—
  - (a) must be one issued by the manufacturer of the incinerator; and
  - (b) must provide guidance on how the incinerator may be operated within the limits set out in Appendix IV of Annex VI.
- (6) The operator of a shipboard incinerator must be trained to be capable of implementing the guidance provided in the operating manual.
- (7) The temperature of the combustion chamber gas outlet of the shipboard incinerator during combustion must be monitored at all times.
- (8) If the incinerator is a batch-loaded shipboard incinerator, it must not be put into operation unless by its design the following requirements are met:
  - (a) the temperature of its combustion chamber gas outlet reaches 600°C within 5 minutes after it is started up;
  - (b) the temperature stabilizes at not less than 850°C after 5 minutes.
- (9) If the incinerator is a continuous-feed shipboard incinerator, waste must not be fed into it when the combustion chamber gas outlet temperature is below 850°C.
- (10) The shipboard incinerator must have a Type Approval Certificate from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.144 comes into force, upon the scheduled time specified in Schedule 1.2.2(5);
  - (b) for any other New Zealand ship, upon the first survey in accordance with the applicable survey schedule specified in regulation 5 of Annex VI.

**199.145 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 and Appendix IV 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, is valid; and
  - (b) when the ship becomes a New Zealand ship.
- (4) For the avoidance of doubt the Director may cancel any 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.

**199.146 to 199.159** Reserved

## **Section B7 Fuel oil availability and quality**

### **199.160 Application of section B7**

- (1) Except as otherwise further limited in a rule in this section, this section applies to any of the following:
- (a) a New Zealand ship engaged in an international voyage;
  - (b) a New Zealand platform engaged in a voyage to, in, or from waters under the sovereignty or jurisdiction of another State.
- (2) This section does not apply to any of the following:
- (a) coal in its solid form;
  - (b) nuclear fuels.

### **199.161 Definitions of terms used in section B7**

For the purpose of this section—

**compliant fuel oil** means fuel oil that meets the standards and requirements for fuel oil prescribed in Annex VI.

### **199.162 Compliance with fuel oil quality standards**

The owner and the master of a ship must ensure the quality of fuel oil used on board the ship meets the requirements set out in regulation 18 of Annex VI.

### **199.163 Fuel oil delivery – owner and master obligations**

- (1) This rule 199.163 applies to a New Zealand ship that is 400 gross tonnage or more and to a New Zealand platform.
- (2) This rule 199.163 does not apply to gas fuels described in regulation 18.4 of Annex VI.
- (3) The owner and the master of a ship must, on delivery to the ship of fuel oil—
- (a) ensure that the label attached to the representative sample provided by the fuel oil supplier is signed by the ship's officer in charge of the delivery operation or the master of the ship; and
  - (b) keep the bunker delivery note provided by the fuel oil supplier on board the ship in a place so as to be readily available for inspection at all reasonable times until the expiry of the period of 3 years after the day on which the fuel oil is delivered to the ship.
- (4) The owner and the master of a ship must—
- (a) retain the representative sample of the fuel oil that accompanies the bunker delivery note until—
    - (i) the fuel oil is substantially consumed; or
    - (ii) the expiry of the period of 12 months beginning on the day on which the fuel oil is delivered to the ship—whichever is the later; and

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- (b) retain, store, and track the representative sample consistently with IMO guidance titled *Guidelines For The Sampling Of Fuel Oil For Determination Of Compliance With The Revised MARPOL Annex VI*.
- (5) The representative sample need only be retained under the ship's control, allowing the sample to be stored ashore where it is not practical or desirable to store the sample on the ship.

### 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.

### 199.165 Inspection

- (1) The Director may inspect the bunker delivery notes on board a ship to which rule 199.163 applies and may make a copy of each delivery note.
- (2) The Director may require the master of the ship to certify that each copy is a true copy of the bunker delivery note.

### 199.166 Fuel oil non-availability

When compliant fuel oil is unable to be purchased for use on board a ship, the owner and the master of the ship must report that non-availability of fuel oil as soon as practicable—

- (a) to the Director; and

- (b) where applicable, to the competent authority of the port of destination outside of New Zealand; and
- (c) in accordance with applicable IMO guidelines, including, where applicable, in the form set out in Appendix 1 of the *Guidelines For Consistent Implementation Of The 0.50% Sulphur Limit Under MARPOL Annex VI*, adopted by the Marine Environment Protection Committee of the International Maritime Organization.

**199.167 Non-compliant fuel oil**

The Director may, if the quality of fuel oil on board a ship is found not to be in compliance with rule 199.162, require the master to—

- (a) present a record of the actions taken to attempt to achieve compliance; and
- (b) provide evidence of any attempt to purchase compliant fuel oil in accordance with the voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.

**199.168 to 199.179 Reserved**

## **Section B8 Carbon intensity of international shipping**

**199.180 Purpose**

The purpose of this section is to reduce the carbon intensity of international shipping by requiring ships to be energy efficient.

**199.181 Application of section B8**

Except as otherwise further limited by the application specified in each subsection of this section, this section applies to a New Zealand ship that is 400 gross tonnage or more engaged in an international voyage.

**199.182 Definitions of terms used in section B8**

In this section:

**Antarctic area** means the sea area south of latitude 60° S:

**Arctic waters** means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W:

**Attained Annual Operational CII** means the operational carbon intensity indicator value achieved in respect of an individual ship in accordance with rule 199.188:

**Attained EEDI** means the Energy Efficiency Design Index value achieved in respect of an individual ship in accordance with rule 199.184:

**Attained EEXI** means the Energy Efficiency Existing Ship Index value achieved in respect of an individual ship in accordance with rule 199.186:

**bulk carrier** has the meaning set out in regulation 2 of Annex VI:

**carbon intensity ship** means any of the following ships:

- (a) a bulk carrier:
- (b) a gas carrier:
- (c) a tanker:
- (d) a container ship:
- (e) a general cargo ship:
- (f) a refrigerated cargo carrier:
- (g) a combination carrier:
- (h) a ro-ro cargo ship (vehicle carrier):
- (i) a ro-ro cargo ship:
- (j) a ro-ro passenger ship:
- (k) an LNG carrier:
- (l) a cruise passenger ship:

**category A ship** has the meaning set out in the Polar Code:

**combination carrier** has the meaning set out in regulation 2 of Annex VI:

**container ship** has the meaning set out in regulation 2 of Annex VI:

**conventional propulsion**, in relation to a ship, means a method of propulsion of the ship where a main reciprocating internal combustion engine is the prime mover and coupled to a propulsion shaft either directly or through a gear box:

**cruise passenger ship** has the meaning set out in regulation 2 of Annex VI:

**gas carrier** has the meaning set out in regulation 2 of Annex VI:

**general cargo ship** has the meaning set out in regulation 2 of Annex VI:

**LNG carrier** has the meaning set out in regulation 2 of Annex VI:

**major conversion** has the meaning set out in regulation 2 of Annex VI:

**non-conventional propulsion**, in relation to a ship, means a method of propulsion of the ship, other than conventional propulsion, including diesel-electric propulsion, turbine propulsion, and hybrid propulsion systems:

**passenger ship** has the meaning set out in regulation 2 of Annex VI:

**Polar Code** has the meaning set out in regulation 2 of Annex VI:

**polar waters** means any of the following:

- (a) Arctic waters:
- (b) the Antarctic area:

**refrigerated cargo carrier** has the meaning set out in regulation 2 of Annex VI:

**Required Annual Operational CII** means the target value of Attained Annual Operational CII in accordance with rule 199.189 for the specific ship type and size:

**Required EEDI** means the maximum value of Attained EEDI that is permitted under rule 199.184 for a specific ship type and size:

**Required EEXI** means the maximum value of attained EEXI that is permitted under rule 199.186 for the specific ship type and size:

**ro-ro cargo ship** has the meaning set out it in regulation 2 of Annex VI:

**ro-ro cargo ship (vehicle carrier)** has the meaning set out in regulation 2 of Annex VI:

**ro-ro passenger ship** has the meaning set out in regulation 2 of Annex VI:

**SEEMP** means the Ship Energy Efficiency Management Plan required under rule 199.201:

**ship delivered on or after 1 September 2019** has the meaning set out in regulation 2 of Annex VI:

**tanker** has the meaning set out in regulation 2 of Annex VI.

### **Subsection B8A Energy efficiency design index**

#### **199.183 Application of subsection B8A**

- (1) This subsection applies to a passenger ship or a carbon intensity ship that is a New Zealand ship that is 400 gross tonnage or more and engaged in an international voyage that is any of the following:
  - (a) a ship—
    - (i) for which the building contract is placed on or after 1 January 2017; or
    - (ii) in the absence of a building contract, constructed on or after 1 July 2017; or
    - (iii) the delivery of which is on or after 1 July 2019:
  - (b) a ship that has undergone a major conversion on or after the date this rule 199.183 comes into force that is so extensive it is regarded by the Director as a newly constructed ship:
  - (c) a ship with non-conventional propulsion that is delivered on or after 1 September 2019 that is—
    - (i) a cruise passenger ship; or
    - (ii) an LNG carrier.
- (2) Other than in subrule (1)(c), this subsection does not apply to a ship with non-conventional propulsion.
- (3) This subsection does not apply to any of the following ships:
  - (a) a ship not propelled by mechanical means:
  - (b) a category A ship.

#### **199.184 Attained energy efficiency design index**

- (1) The owner and the master of a ship must ensure an Attained EEDI is calculated at the following times, as applicable:
  - (a) for a ship—
    - (i) that is a New Zealand ship on the day before this rule 199.184 comes into force, upon the scheduled time specified in Schedule 1.2.3(1); or
    - (ii) that becomes a New Zealand ship on or after the date this rule 199.184 comes into force, before the ship operates as a New Zealand ship:
  - (b) upon a major conversion of the ship.
- (2) The owner and the master of a ship must ensure an Attained EEDI—
  - (a) is calculated for the ship in accordance with regulation 22 and, where the ship is a carbon intensity ship, regulation 24 of Annex VI, taking into account guidelines developed by the IMO titled *Guidelines On The Method Of*

*Calculation Of The Attained Energy Efficiency Design Index (EEDI) for new ships; and*

- (b) meets the standards and requirements in Annex VI; and
  - (c) is accompanied by the EEDI technical file in accordance with regulation 22.1 of Annex VI; and
  - (d) is verified by the Director.
- (3) The Director must verify the Attained EEDI under subrule (2)(d) in accordance with regulation 22 and, where the ship is a carbon intensity ship, regulation 24 of Annex VI.
- (4) The Attained EEDI must be calculated for each ship at the following times:
- (a) at the survey identified in regulations 5.4.1, 5.4.2, and 5.4.3 of Annex VI, as applicable:
  - (b) after a ship has undergone a major conversion, in accordance with regulation 5.4.3 of Annex VI.
- (5) Where the ship is a carbon intensity ship, the Attained EEDI of a ship must be less than or equal to the Required EEDI of the ship calculated in accordance with regulation 24 of Annex VI and according to the reference line values and the reduction factors that are applicable to the ship as specified in that regulation.

### **Subsection B8B Energy efficiency existing ship index**

#### **199.185 Application of subsection B8B**

- (1) This subsection applies to a carbon intensity ship that is a New Zealand ship that is 400 gross tonnage or more and engaged in an international voyage.
- (2) This subsection also applies to a ship in subrule (1) that has undergone a major conversion on or after the date this subsection comes into force.
- (3) This subsection also applies to a ship in subrule (1) with non-conventional propulsion that is—
  - (a) a cruise passenger ship; or
  - (b) an LNG carrier.
- (4) Other than in subrule (3), this subsection does not apply to a ship with non-conventional propulsion.
- (5) This subsection does not apply to any of the following ships:
  - (a) a ship not propelled by mechanical means:
  - (b) a category A ship.

#### **199.186 Attained energy efficiency existing ship index**

- (1) The owner and the master of a ship must ensure an Attained EEXI is calculated at the following times, as applicable:
  - (a) for a ship—
    - (i) that is a New Zealand ship on 1 January 2023, upon the scheduled time specified in Schedule 1.2.5(1); or
    - (ii) that becomes a New Zealand ship after 1 January 2023, before the ship operates as a New Zealand ship:
  - (b) upon a major conversion of the ship.
- (2) Subject to subrule (5), the owner and the master of a ship must ensure an Attained EEXI—



- (a) is calculated for the ship in accordance with regulations 23 and 25 of Annex VI, taking into account guidelines developed by the IMO titled *Guidelines On The Method Of Calculation Of The Attained Energy Efficiency Existing Ship Index (EEXI)*; and
  - (b) meets the standards and requirements in Annex VI; and
  - (c) is accompanied by the EEXI technical file in accordance with regulation 23.1 of Annex VI; and
  - (d) is verified by the Director.
- (3) The Director must verify the Attained EEXI under subrule (2)(d) in accordance with regulation 23 of Annex VI.
- (4) The Attained EEXI must be verified—
- (a) at the annual, intermediate, or renewal survey identified in regulation 5.1 of Annex VI or the initial survey identified in regulation 5.4.1 and 5.4.3 of Annex VI, whichever is the first, on or after the date this subsection comes into force, in accordance with regulation 5.4.7 of Annex VI; and
  - (b) at the general or partial survey, according to the circumstances, after a ship has undergone a major conversion, in accordance with regulation 5.4.8 of Annex VI.
- (5) For a ship to which subsection B8A applies, the verified Attained EEDI may be taken as the Attained EEXI if the value of the Attained EEDI is equal to or less than that of the Required EEXI, in accordance with regulation 23 of Annex VI.

### **Subsection B8C Operational carbon intensity**

#### **199.187 Application of subsection B8C**

- (1) This subsection applies to a carbon intensity ship that is a New Zealand ship that is 5,000 gross tonnage or more engaged in an international voyage.
- (2) This subsection does not apply to any of the following ships:
  - (a) a ship not propelled by mechanical means;
  - (b) a category A ship.

#### **199.188 Attained annual operational carbon intensity indicator**

- (1) The owner and the master of a ship must ensure an Attained Annual Operational CII—
  - (a) is calculated for the ship in accordance with regulation 28 of Annex VI, taking into account guidelines developed by the IMO titled as follows:
    - (i) *Guidelines On Operational Carbon Intensity Indicators And The Calculation Methods*;
    - (ii) *Guidelines On The Reference Lines For Use With Operational Carbon Intensity Indicators*;
    - (iii) *Guidelines On The Operational Carbon Intensity Reduction Factors Relative To Reference Lines*;
    - (iv) *Guidelines On The Operational Carbon Intensity Rating Of Ships*; and
  - (b) meets the standards and requirements in Annex VI; and
  - (c) is verified by the Director.
- (2) The Director must verify the Attained Annual Operational CII under subrule (1)(c) in accordance with regulation 6.6 of Annex VI.

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- (3) The Attained Annual Operational CII must be calculated, and reported to the Director, for each ship—
  - (a) from the initial time specified in Schedule 1.2.6(1), before the end of March of each calendar year; or
  - (b) in the event of a transfer of the ship addressed in regulations 27.4, 27.5, or 27.6 of Annex VI, at the times in accordance with regulation 28 of Annex VI.

### 199.189 Operational carbon intensity rating

- (1) For each ship, and upon receipt of all the appropriate data and information required to do so, the Director must verify the operational carbon intensity rating for the ship in accordance with regulation 28.6 of Annex VI.
- (2) If the rating verified under subrule (1) is such that a corrective action plan is required in accordance with regulation 28.7 of Annex VI, the owner and the master of the ship to which the rating relates to must—
  - (a) develop a plan of corrective actions to achieve the Required Annual Operational CII; and
  - (b) review the SEEMP for the ship to include the plan of corrective actions; and
  - (c) submit the reviewed SEEMP to the Director in accordance with regulation 28.8 of Annex VI.
- (3) The owner and the master must undertake the planned corrective actions in accordance with the updated SEEMP and regulation 28.9 of Annex VI.

### 199.190 to 199.199 Reserved

## Section B9 Ship energy efficiency management plan

### 199.200 Application of section B9

- (1) This section applies to a New Zealand ship that is 400 gross tonnage or more engaged in an international voyage.
- (2) This section does not apply to a ship not propelled by mechanical means.

### 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 26 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 27.1 of Annex VI and the format and processes to be used to report the data to the Director in accordance with regulation 27 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 26 of Annex VI.

**199.202 Retention of Ship Energy Efficiency Management Plan**

- (1) The owner and the master must ensure the Ship Energy Efficiency Management Plan is kept on board the ship.
- (2) The Ship Energy Efficiency Management Plan must be placed on board the ship in accordance with regulation 5.4.4 of Annex VI.

**199.203 to 199.219 Reserved**

**Section B10 Collecting and reporting ship fuel oil consumption data**

**199.220 Application of section B10**

- (1) This section applies to a New Zealand ship that is 5,000 gross tonnage or more engaged in an international voyage.
- (2) This section does not apply to a ship not propelled by mechanical means.

**199.221 Definitions of terms used in section B10**

In this section:

**consumption data**, in relation to a ship, means the data specified in Appendix IX of Annex VI relevant to that ship, other than the identification data:

**identification data**, in relation to a ship, means the data specified in Appendix IX of Annex VI for identifying the ship.

**199.222 Collection, reporting, and retention of ship fuel oil consumption data**

- (1) The owner of a ship must collect the consumption data relevant to the ship in accordance with the methodology specified in the Ship Energy Efficiency Management Plan required for that ship under rule 199.201(2).
- (2) The consumption data must be collected under subrule (1) for each year or part of a year, as appropriate, in accordance with the methodology included in the Ship Energy Efficiency Management Plan.
- (3) The owner must submit the consumption data, together with the identification data, to the Director in accordance with—

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- (a) the ship's Ship Energy Efficiency Management Plan; and
  - (b) the additional reporting requirements in Schedule 4.
- (4) The owner must ensure the disaggregated consumption data of the ship that underlies the consumption data reported under subrule (3) for the previous calendar year is—
- (a) readily accessible for a period of not less than 12 months from the end of that calendar year; and
  - (b) made available to the Director upon request.

### **199.223 Verification of data**

Upon receipt of the data submitted under rule 199.222(3) the Director must—

- (a) determine whether the data has been reported in accordance with regulations 6.6 and 6.7 of Annex VI; and
- (b) verify the data in accordance with regulation 27 of Annex VI.

### **199.224 Statement of Compliance**

- (1) Upon receipt of—
- (a) the data submitted under rule 199.222(3) in accordance regulation 27 of Annex VI; and
  - (b) the Attained Annual Operational CII in accordance regulation 28.2 of Annex VI—

the Director must, if satisfied all requirements relating to the data and the Attained Annual Operational CII are complied with, issue a Statement of Compliance relating to the fuel oil consumption and operational carbon intensity rating of the ship in accordance with regulation 6 of Annex VI.

- (2) The Statement of Compliance must be drawn up in accordance with the form in Appendix X of Annex VI.
- (3) The Statement of Compliance is valid for the applicable period specified in regulation 9.12 of Annex VI.
- (4) A Statement of Compliance is not a marine protection document for the purposes of the Act.

### **199.225 Statement of Compliance to be kept on board ship**

- (1) The owner and the master of a ship to which a Statement of Compliance relates must ensure that it is kept on board that ship during the period that the Statement of Compliance is valid but, in any event, for at least 5 years.
- (2) The Statement of Compliance must be held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.225 comes into force, upon the scheduled time specified in Schedule 1.2.7(1):
  - (b) for any other New Zealand ship, upon the first survey in accordance with the applicable survey schedule specified in regulation 6 of Annex VI.

**199.226 to 199.239      Reserved**

**199.240 to 199.339      Reserved**

## **Subpart C      New Zealand Ships Other Than Engaged In International Voyage; Platforms (Excluding Foreign Ships) Other Than Engaged In Voyage To Foreign Jurisdictions**

### **Section C1      Ship certification**

#### **Certification assuring compliance with Subpart C**

##### **199.340      Application of rules 199.341 to 199.342**

- (1) This section applies to any of the following ships:
  - (a) in respect of certification and survey relating to the requirements under sections C2 to C7:
    - (i) a New Zealand ship that is 400 gross tonnage or more engaged in a domestic voyage:
    - (ii) a New Zealand platform to which section B1 does not apply and that is not a foreign ship:
    - (iii) a platform that is in New Zealand jurisdiction and that is not a foreign ship:
    - (iv) a New Zealand ship that is less than 400 gross tonnage engaged in a domestic voyage and for which a Certificate of Survey, New Zealand Barge Safety Certificate, or certificate of fitness under Part 40G is required to be held:
  - (b) in respect of certification and survey relating to the requirements under sections C8 to C10, a ship that is 400 gross tonnage or more engaged in a domestic voyage; but excludes a ship not propelled by mechanical means.
- (2) The application in subrule (1) is subject to any further limitation of applicability in each section or rule in section C2 to C10.

##### **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, 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
  - (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 holder of a Certificate of Surveyor Recognition issued under rule 44.22 verifying that the requirements in rule 199.342 are complied with (this is an Annex VI endorsement).
- (2) For the purposes of subrule (1)(a), and in respect of a ship to which that subrule applies—

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- (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 1.2.9;
    - (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; 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
  - (c) in accordance with the survey plan, as 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 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.

**Rules 199.343 to 199.359 Reserved**

## **Section C2 Ozone depleting substances**

### **199.360 Application**

- (1) This section applies to any of the following:
  - (a) a New Zealand ship that is not engaged in an international voyage;
  - (b) a New Zealand platform to which section B2 does not apply;
  - (c) except as provided in subrule (2), 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 any minimal releases associated with the recapture or recycling of an ozone depleting substance.

### **199.361 Prohibition on emission of ozone depleting substances**

A person must not deliberately cause an emission from a ship of an ozone depleting substance.

### **199.362 Prohibition on certain installations**

- (1) The owner and the master of a ship must ensure that no installation is on board the ship.
- (2) For the purposes of subrule (1) an **installation**—
  - (a) means systems, equipment (including any portable fire-extinguishing units), insulation, or other material installed on a ship that contain ozone depleting substances (other than hydrochlorofluorocarbons) installed on a ship;

but does not include—

- (i) any systems, equipment, insulation, or other material that is installed on the ship before 19 May 2005; and
  - (ii) any repair or recharge of systems, equipment, insulation, or other material installed on the ship before 19 May 2005; and
  - (iii) any recharge of a portable fire extinguishing unit that is installed on the ship before 19 May 2005; and
  - (iv) permanently sealed equipment where there are no refrigerant charging connections or potentially removable components containing ozone depleting substances; and
- (b) means systems, equipment (including any portable fire-extinguishing units), insulation, or other material installed on a ship that contain hydrochlorofluorocarbons substances but no other ozone depleting substances installed on a ship;

but does not include—

- (i) any systems, equipment, insulation, or other material that is installed on the ship before 1 January 2020; and
- (ii) any repair or recharge of systems, equipment, insulation, or other material that is installed on the ship before 1 January 2020; and
- (iii) any recharge of a portable fire extinguishing unit that is installed on the ship before 1 January 2020; and
- (iv) permanently sealed equipment where there are no refrigerant charging connections or potentially removable components containing ozone depleting substances.

**199.363 Delivery of substances to reception facilities**

- (1) The owner and the master of a ship must ensure any ozone depleting substance, when removed from a ship, is delivered to a reception facility.
- (2) The owner and the master of a ship must ensure any equipment containing an ozone depleting substance, when removed from a ship, is delivered to a reception facility.
- (3) For the purposes of subrules (1) and (2) the reception facility must be one authorised by the applicable laws of the State in which the reception facility is located for receiving the particular ozone depleting substance.

**199.364 List of equipment containing ozone depleting substances**

- (1) This rule 199.364 applies to a New Zealand ship that is 400 gross tonnage or more and to a New Zealand platform.
- (2) The owner and the master of a ship must maintain a list of all systems and equipment containing ozone depleting substances.
- (3) The master must ensure the list is kept on board the ship.
- (4) The list must be maintained in the form specified and provide the details required by section 2.1 of the supplement to Appendix I of Annex VI.

**199.365 Ozone depleting substances record book**

- (1) This rule 199.365 applies to a New Zealand ship that is 400 gross tonnage or more and to a New Zealand platform.
- (2) If a ship has a rechargeable system that contains ozone depleting substances, the owner and the master must maintain an Ozone Depleting Substances Record Book.



- (3) The master must ensure the Ozone Depleting Substances Record Book is kept on board the ship.
- (4) The Ozone Depleting Substances Record Book may form part of a logbook approved by the Director under a marine protection rule or an electronic record book.

**199.366 Ozone depleting substances record book — entries**

- (1) This rule 199.366 applies to a New Zealand ship that is 400 gross tonnage or more and to a New Zealand platform.
- (2) When any of the events set out in subrule (3) occurs, the master must ensure an entry of the event, in terms of mass (kg) of substance, is made in the Ozone Depleting Substances Record Book without delay.
- (3) The events referred to in subrule (2) are as follows:
  - (a) the full or partial recharge of equipment that contains ozone depleting substances:
  - (b) the repair or maintenance of equipment that contains ozone depleting substances:
  - (c) the discharge by the ship of any ozone depleting substances to the atmosphere (whether deliberate or not):
  - (d) the discharge by the ship of any ozone depleting substances to any land-based reception facilities:
  - (e) the supply of any ozone depleting substances to the ship.

**199.367 to 199.379 Reserved**

## **Section C3 Nitrogen oxides (NO<sub>x</sub>)**

### **Purpose and application**

**199.380 Purpose of section C3**

The purpose of this section is to provide the means for assurance that each marine diesel engine to which regulation 13 of Annex VI applies complies with the relevant limiting emission values of NO<sub>x</sub> in accordance with regulation 13 of Annex VI and the NO<sub>x</sub> Technical Code, including any alternative NO<sub>x</sub> control measures permitted under regulation 13.1.2.2 of Annex VI.

**199.381 Application of section C3**

- (1) Except as provided in subrules (2), (3), (4), 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

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- (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<sub>x</sub> control measure, provided for by the Director under rule 199.22.
- (5) Reserved
- (6) Reserved
- (7) Reserved
- (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 subrule (3)(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 and published in its circular titled “Unified Interpretations to MARPOL Annex VI”.

### **Approved Method**

#### **199.382 Alternative requirements for certain engines more than 5,000 kW 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.

### **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 a marine diesel engine at the following time:
  - (a) a marine diesel engine to which rule 199.384(1) applies, from the completion of the first intermediate or renewal survey after 1 January 2029, but in no case later than 30 June 2032; consequently that engine to which this subsection ceases to apply will, on that date, be an engine to which subsection C3B applies:
  - (b) 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.
- (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.
- (6) This subsection does not apply to an engine with a power output of 5,000 kW or less that is installed on a ship constructed before 1 January 2000.
- (7) This subsection does not apply to an engine with a power output of more than 5,000 kW that is installed on a ship constructed before 1 January 1990.
- (8) This subsection 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 is installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000.

## Emission limits

### 199.384 Prohibition on emission of nitrogen oxides

#### *Prohibition applicable to 30 June 2032*

- (1) From the first intermediate or renewal survey after 1 January 2029, but not later than 30 June 2032, the owner and the master of a ship to which both

subrules (1)(a) and (b) apply 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 set out in regulation 13 of Annex VI—

- (a) the ship (including its engine) is one to which rule 199.383(1) applies; and
  - (b) the ship is one to which section C1 also applies.
- (2) Until 30 June 2032, the owner and the master of a ship to which both subrules (2)(a) and (b) apply 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 set out in regulation 13 of Annex VI—
- (a) the ship is one to which subrule (1) does not apply; and:
  - (b) the ship (including its engine) is one to which rule 199.383(1) also does not apply.

***Prohibition applicable from 30 June 2032***

- (3) From 30 June 2032, 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 set out in regulation 13 of Annex VI.

**199.385 Demonstrating compliance with emission standard**

- (1) The owner and the master of a ship on which an engine to which rule 199.384 applies must—
- (a) except for a spark-ignition engine to which regulation 13.3 of Annex VI applies, hold documentation sufficient to evidence that the engine meets the requirement in rule 199.384; and
  - (b) where the engine is a spark-ignition engine to which regulation 13.3 of Annex VI applies, if required by the Director under subrule (3), hold documentation sufficient to evidence that the engine meets the requirement in rule 199.384; and
  - (c) produce that documentation to the Director upon request.
- (2) For the purposes of any survey conducted under rule 199.342(1) in respect of an Annex VI endorsement, the Director may set out as a requirement as to the performance of a survey under rule 44.25(3) those factors that may be taken into account to demonstrate that an engine complies with rule 199.384.
- (3) The Director may require the owner or the master, or the owner and the master, of a ship to which rule 199.384 applies to produce documentation evidencing that rule 199.384 is complied with.

**Subsection C3B**

**199.386 Application of subsection C3B**

- (1) This subsection applies to a marine diesel engine installed on a ship to which subsection C3A does not apply.
- (2) Rule 199.390 does not apply to a marine diesel engine installed on ship to which section C1 does not apply.
- (3) This subsection applies to an engine with a power output of 5,000 kW or less that is installed on a ship constructed before 1 January 2000 if—
- (a) it has undergone a major conversion on or after the date this subsection comes into force; or
  - (b) it is installed on a ship where that ship becomes a New Zealand ship on or after the date this subsection comes into force.

- (4) This subsection applies to an engine with a power output of more than 5,000 kW that is installed on a ship constructed before 1 January 1990 if—
  - (a) it has undergone a major conversion on or after the date this subsection comes into force; or
  - (b) it is installed on a ship where that ship becomes a New Zealand ship on or after the date this subsection comes into force.
- (5) This subsection 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 is installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000 if—
  - (a) it has undergone a major conversion on or after the date this subsection comes into force; or
  - (b) it is installed on a ship where that ship becomes a New Zealand ship on or after the date this subsection comes into force.

### **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) set out in regulation 13 of Annex VI; and
  - (b) in accordance with the criteria and procedures set out in the NO<sub>x</sub> Technical Code.
- (2) The emission of nitrogen oxides from a marine diesel engine for which regulation 13 of Annex VI prescribes no nitrogen oxide emission limit must be kept within the nitrogen oxide emission limit set out in regulation 13.3 of Annex VI.

### **Engine certification**

#### **199.388 Requirement for Technical File**

- (1) The owner and the master of a ship must ensure—
  - (a) a Technical File, prepared by the marine diesel engine manufacturer is held for each marine diesel engine installed on the ship; and
  - (b) each Technical File is approved in accordance with Annex VI and the NO<sub>x</sub> Technical Code; and
  - (c) each Technical File is—
    - (i) maintained in good order and not subjected to any unauthorised alteration, amendments, omission, or deletions; and
    - (ii) carried on board the ship; and
    - (iii) readily available for inspection by the Director and by authorised persons acting on behalf of a Party State at all times.
- (2) The owner and the master of a ship must ensure the Approved Technical File is held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.388 comes into force, upon the time specified in rule 199.383(3)(a);
  - (b) for any other New Zealand ship, in accordance with the schedule specified in Chapter 2 of the NO<sub>x</sub> Technical Code.
- (3) For the purposes of subrule (1)(b), the term “Administration” in Annex VI and the NO<sub>x</sub> Technical Code is not limited by rule 199.3(1).

**199.389 Approval of Technical File**

- (1) The Director may approve the Technical File for each marine diesel engine installed on the ship if—
  - (a) all the information in the Technical File is in accordance with the NO<sub>x</sub> Technical Code; and
  - (b) the Technical File is in the form required by the NO<sub>x</sub> Technical Code.
- (2) The Technical File for each applicable marine diesel engine installed on the ship will cease to be approved when—
  - (a) the engine undergoes a major conversion; or
  - (b) the EIAPP certificate associated with the Technical File ceases to be valid; or
  - (c) any of the information required in 2.4.1 of the NO<sub>x</sub> Technical Code changes.
- (3) For the purpose of subrule (2)(a), a major conversion has the meaning set out in regulation 13 of Annex VI subject to the clarification in 199.381(9).
- (4) An Approved Technical File is not a marine protection document.
- (5) The owner and the master of a ship must notify the Director as soon as practicable when any of the events referred to in subrule (2) occurs.

**199.390 Requirement for EIAPP certificate**

- (1) The owner and the master of a ship must ensure—
  - (a) an EIAPP certificate is held for each marine diesel engine installed on the ship; and
  - (b) the EIAPP certificate is issued in accordance with Annex VI and the NO<sub>x</sub> Technical Code; and
  - (c) the EIAPP certificate is—
    - (i) carried on board the ship; and
    - (ii) readily available for inspection by the Director at all times.
- (2) The owner and the master of a ship must ensure the EIAPP certificate required in subrule (1) is held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.390 comes into force, upon the time specified in rule 199.383(3)(a);
  - (b) for any other New Zealand ship, in accordance with the schedule specified in Chapter 2 of the NO<sub>x</sub> Technical Code, subject, where applicable, to the scheduled time specified in Schedule 1.2.8(2).
- (3) For the purposes of subrule (1)(b), the term “Administration” in Annex VI and the NO<sub>x</sub> Technical Code is not limited by rule 199.3(1).

**199.391 Issue of EIAPP certificate**

- (1) A person may apply to the Director to issue an EIAPP certificate in respect of each marine diesel engine installed on a ship.
- (2) The Director may issue the certificate if satisfied that—
  - (a) the marine diesel engine has been surveyed in accordance with Annex VI and the NO<sub>x</sub> Technical Code; and
  - (b) the emissions from the marine diesel engine are likely to be within the limits specified in regulation 13 of Annex VI for the intended operation of the engine.

- (3) The EIAPP certificate must be in the form set out in Appendix I of the NO<sub>x</sub> Technical Code.
- (4) An EIAPP certificate is a not marine protection document for the purposes of the Act.

**199.392 Duration and conditions of EIAPP certificate**

An EIAPP certificate remains valid for the life of the engine, subject to surveys in accordance with regulation 5 of Annex VI.

**Record keeping**

**199.393 Record keeping**

- (1) The owner and the master of a ship must ensure a record is kept on board the ship containing the information required in relation to a marine diesel engine by regulation 13.5.3 of Annex VI when any of the following occurs:
  - (a) the ship enters a NO<sub>x</sub> Tier III emission control area:
  - (b) the ship leaves a NO<sub>x</sub> Tier III emission control area:
  - (c) the on/off status of the engine changes within the NO<sub>x</sub> Tier III emission control area.
- (2) For the purpose of subrule (1), a NO<sub>x</sub> Tier III emission control area is an area specified—
  - (a) in regulation 13.6 of Annex VI; or
  - (b) under Appendix III of Annex VI.

**199.394 Record Book – Engine parameters**

- (1) This rule 199.394 applies to a marine diesel engine installed on any of the following ships:
  - (a) a commercial ship:
  - (b) a platform.
- (2) The owner and the master of a ship equipped with a marine diesel engine required to undergo an engine parameter check method under the NO<sub>x</sub> Technical Code must ensure—
  - (a) a record is maintained containing the information required in 6.2.2.7 of the NO<sub>x</sub> Technical Code; and
  - (b) the record required under subrule (a) is kept on board the ship.

**199.395 to 199.399 Reserved**

**Section C4 Sulphur oxides (SO<sub>x</sub>) and particulate matter**

**199.400 Application of section C4**

- (1) This section applies to any of the following:
  - (a) a New Zealand ship not engaged in an international voyage:
  - (b) a New Zealand platform to which section B4 does not apply:
  - (c) except as provided in subrule (2), a platform that is in New Zealand jurisdiction.
- (2) This section does not apply to a foreign ship.

**199.401 Definition of SO<sub>x</sub> Emission Control Area**

For the purpose of this section, a SO<sub>x</sub> Emission Control Area means an area specified in regulation 14 of Annex VI as an emission Control Area.

**199.402 Sulphur content of fuel oil**

- (1) Except as provided in subrule (2) or rule 199.403, the owner and the master of a ship must ensure the sulphur content of fuel oil used, or carried for use, on board a ship does not exceed the limit set out in regulation 14.1 of Annex VI.
- (2) The owner and the master of a ship must ensure the sulphur content of any fuel oil used on board a ship within a SO<sub>x</sub> Emission Control Area does not exceed the limit set out in regulation 14.4 of Annex VI.

**199.403 Equivalents**

Rule 199.402 does not apply to a New Zealand ship to the extent an equivalent is approved by the Director under rule 199.22.

**199.404 Change-over of fuel oil on entering or leaving SO<sub>x</sub> Emission Control Area**

- (1) This rule 199.404 applies to a ship—
  - (a) that changes fuel oil of higher sulphur content to fuel oil of lower sulphur content before entering a SO<sub>x</sub> Emission Control Area; or
  - (b) that changes fuel oil of lower sulphur content to fuel oil of higher sulphur content after leaving a SO<sub>x</sub> Emission Control Area.
- (2) The owner and the master of a ship must ensure the ship carries a written procedure—
  - (a) showing how the change-over of the fuel oil is to be done; and
  - (b) that has provision in it to ensure there is sufficient time before a ship enters a SO<sub>x</sub> Emission Control Area to allow for the fuel oil service system on the ship to be fully flushed of all fuel oil the sulphur content of which exceeds the limit set out in regulation 14.4 of Annex VI.
- (3) The owner and the master of a ship must, when subrule (1)(a) or (b) applies, fully flush the fuel oil service system on the ship in accordance with the procedure in subrule (2).
- (4) The owner and the master of a ship must ensure the following requirements are complied with:
  - (a) the information required in subrule (b) must be acquired, and relate to the circumstances, at the following times:
    - (i) in the case of subrule (1)(a), when the change-over of the fuel oil is completed before the ship enters a SO<sub>x</sub> Emission Control Area:
    - (ii) in the case of subrule (1)(b), when the change-over of the fuel oil is commenced after the ship leaves a SO<sub>x</sub> Emission Control Area.
  - (b) the following information referred to in subrule (a) is required:
    - (i) the volume of the fuel oil the sulphur content of which is within the limit set out in regulation 14.4 of Annex VI in each tank:
    - (ii) the date, time, and position of the ship:
  - (c) the information referred to in subrule (b) must be recorded in a log-book:
  - (d) the log-book must be kept on board the ship.



199.405 to 199.419 Reserved

## Section C5 Volatile organic compounds

### 199.420 Application of section C5

This section applies to a New Zealand tanker engaged in a domestic voyage.

### 199.421 Definitions of terms used in section C5

In this section:

**New Zealand tanker** means a tanker that is a New Zealand ship:

**tanker** has the meaning set out in regulation 2 of Annex VI:

**VOC** means Volatile Organic Compounds.

### 199.422 Tanker carrying crude oil to have VOC Management Plan

The owner and the master of a New Zealand tanker carrying crude oil must ensure there is carried on board, and implemented, the VOC Management Plan that is approved by the Director under rule 199.423.

### 199.423 Director may approve a VOC Management Plan

The Director may approve a VOC Management Plan if satisfied that the Plan—

- (a) takes into account the following guidelines developed by the IMO:
  - (i) *Guidelines For The Development Of A VOC Management Plan*;
  - (ii) *Technical Information On Systems And Operation To Assist Development Of VOC Management Plans*;
  - (iii) *Technical Information On A Vapour Pressure Control System In Order To Facilitate The Development And The Update Of VOC Management Plans*; and
- (b) is specific to the ship; and
- (c) provides written procedures for minimising VOC emissions during the loading, sea passage and discharge of cargo; and
- (d) gives consideration to the additional VOC generated by crude oil washing; and
- (e) identifies the person responsible for implementing the plan; and
- (f) is written in English.

199.424 to 199.439 Reserved

## Section C6 Shipboard incineration

### 199.440 Application of section C6

- (1) This section applies to any of the following:
  - (a) a New Zealand ship not engaged in an international voyage;
  - (b) a New Zealand platform to which section B6 does not apply;
  - (c) except as provided in subrule (2), a platform that is in New Zealand jurisdiction.
- (2) This section does not apply to a foreign ship.

**199.441 Definitions of terms used in section C6**

In this section:

**approved incinerator** means a shipboard incinerator in respect of which a Type Approval Certificate has been issued:

**batch-loaded shipboard incinerator** means a shipboard incinerator utilising a process whereby the loading of waste is carried out in separate batches:

**continuous-feed shipboard incinerator** means a shipboard incinerator utilising a process whereby waste is fed into a combustion chamber without human assistance while the incinerator is in normal operating conditions with the combustion chamber operative temperature between 850°C and 1,200°C:

**sewage sludge** means the sediment of sewage:

**shipboard incineration** means the incineration of wastes or other matter on board a ship, if such wastes or other matter were generated during the normal operation of that ship:

**shipboard incinerator** means a shipboard facility designed for the primary purpose of incineration:

**sludge oil** means—

- (a) sludge from fuel or lubricating oil separators; or
- (b) waste lubricating oil from main or auxiliary machinery; or
- (c) waste oil from bilge water separators, oil filtering equipment, or drip trays:

**Type Approval Certificate** means a Certificate of Shipboard Incinerator issued by the Director under rule 199.445 certifying that a shipboard incinerator has been examined and tested in accordance with the standard specification issued by IMO.

**199.442 General compliance obligations**

***To ensure incineration of Annex VI substances, and its process, are in accordance with regulation 16 of Annex VI***

- (1) The owner and the master of a ship must comply with rule 199.443 and, where applicable, rules 199.444(3), (7), (8), (9), and (10).

***To assure quality of the incineration system on board the ship***

- (2) The owner and the master of a ship must comply with all other applicable requirements in this section.

**199.443 Requirements for shipboard incineration**

- (1) Subject to subrule (4), shipboard incineration must be conducted in a shipboard incinerator.
- (2) The substance for shipboard incineration must not be a substance listed in regulation 16.2 of Annex VI.
- (3) If the substance for shipboard incineration is polyvinyl chlorides, the incineration must be conducted in an approved incinerator.
- (4) If the substance for incineration is sewage sludge, or sludge oil, generated during the normal operation of the ship, the incineration may take place in the main or auxiliary power plant or boilers of the ship while it is not inside a port, harbour, or estuary.

**199.444 Additional requirements for incinerators installed after 1999**

- (1) This rule 199.444 applies to a shipboard incinerator installed on a ship—
  - (a) if the ship is constructed on or after 1 January 2000; or

- (b) if the shipboard incinerator is installed on or after 1 January 2000.
- (2) Each shipboard incinerator on the ship must be an approved incinerator.
- (3) The shipboard incinerator must operate within the limits set out in Appendix IV of Annex VI.
- (4) An operating manual referred to in subrule (5), relating to the shipboard incinerator, must be kept on board the ship.
- (5) The operating manual—
  - (a) must be one issued by the manufacturer of the incinerator; and
  - (b) must provide guidance on how the incinerator may be operated within the limits set out in Appendix IV of Annex VI.
- (6) The operator of a shipboard incinerator must be trained as to be capable of implementing the guidance provided in the operating manual.
- (7) The temperature of the combustion chamber gas outlet of the shipboard incinerator during combustion must be monitored at all times.
- (8) If the incinerator is a batch-loaded shipboard incinerator, it must not be put into operation unless by its design the following requirements are met:
  - (a) the temperature of its combustion chamber gas outlet reaches 600°C within 5 minutes after it is started up;
  - (b) the temperature stabilizes at not less than 850°C after 5 minutes.
- (9) If the incinerator is a continuous-feed shipboard incinerator, waste must not be fed into it when the combustion chamber gas outlet temperature is below 850°C.
- (10) The shipboard incinerator must have a Type Approval Certificate from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.444 comes into force, upon the scheduled time specified in Schedule 1.2.2(9);
  - (b) for any other New Zealand ship, upon the first survey in accordance with the applicable survey schedule specified in regulation 5 of Annex VI.

**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 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.

**199.446 to 199.459** Reserved

## **Section C7 Fuel oil availability and quality**

### **199.460 Application of section C7**

- (1) Except as otherwise further limited in a rule in this section, this section applies to any of the following:
- (a) a New Zealand ship not engaged in an international voyage;
  - (b) a New Zealand platform to which section B7 does not apply;
  - (c) except as provided in subrule (2), 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 any of the following:
- (a) coal in its solid form;
  - (b) nuclear fuels.

### **199.461 Definitions of terms used in section C7**

For the purpose of this section—

**compliant fuel oil** means fuel oil that meets the standards and requirements for fuel oil prescribed in Annex VI.

### **199.462 Compliance with fuel oil quality standards**

The owner and the master of a ship must ensure the quality of fuel oil used on board the ship meets the requirements set out in regulation 18 of Annex VI.

### **199.463 Fuel oil delivery – owner and master obligations**

- (1) This rule 199.463 applies to a New Zealand ship that is 400 gross tonnage or more or a platform.
- (2) This rule 199.463 does not apply to gas fuels described in regulation 18.4 of Annex VI.
- (3) The owner and the master of a ship must, on delivery to the ship of fuel oil keep the bunker delivery note provided by the fuel oil supplier, or a digital copy of it, on board the ship in a place so as to be readily available for inspection at all reasonable times until the expiry of the period of 3 years after the day on which the fuel oil is delivered to the ship.

### **199.464 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.
- (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 199.462, 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) a sample of fuel oil intended to be used or carried for use on board the ship provided under subrule (2);
  - (b) 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 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.

**199.465 Inspection**

- (1) The Director may inspect the bunker delivery notes on board any ship to which rule 199.463 applies and may make a copy of each bunker delivery note.
- (2) The Director may require the master of the ship to certify that each copy is a true copy of the bunker delivery note.

**199.466 Fuel oil non-availability**

When compliant fuel oil is unable to be purchased for use on board a ship, the owner and the master of the ship must report that non-availability of compliant fuel oil as soon as practicable—

- (a) to the Director; and
- (b) in accordance with applicable IMO guidelines, including, where applicable, in the form set out in Appendix 1 of the *Guidelines For Consistent Implementation Of The 0.50% Sulphur Limit Under MARPOL Annex VI*, adopted by the Marine Environment Protection Committee of the International Maritime Organization.

**199.467 Non-compliant fuel oil**

The Director may, if a ship is found not to be in compliance with rule 199.462, require the master to—

- (a) present a record of the actions taken to attempt to achieve compliance; and
- (b) provide evidence of any attempt to purchase compliant fuel oil in accordance with the voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.

199.468 to 199.479 Reserved

## Section C8 Carbon intensity of domestic shipping

### 199.480 Purpose

The purpose of this section is to reduce the carbon intensity of New Zealand's domestic shipping.

### 199.481 Application of section C8

Except as otherwise further limited by the application specified in each subsection of this section, this section applies to a New Zealand ship that is 400 gross tonnage or more engaged in a domestic voyage.

### 199.482 Definitions of terms used in section C8

In this section:

**Antarctic area** means the sea area south of latitude 60° S:

**Arctic waters** means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W:

**Attained Annual Operational CII** means the operational carbon intensity indicator value achieved in respect of an individual ship in accordance with rule 199.488:

**Attained EEDI** means the Energy Efficiency Design Index value achieved in respect of an individual ship in accordance with rule 199.484:

**Attained EEXI** means the Energy Efficiency Existing Ship Index value achieved in respect of an individual ship in accordance with rule 199.486:

**bulk carrier** has the meaning set out in regulation 2 of Annex VI:

**carbon intensity ship** means any of the following ships:

- (a) a bulk carrier:
- (b) a gas carrier:
- (c) a tanker:
- (d) a container ship:
- (e) a general cargo ship:
- (f) a refrigerated cargo carrier:
- (g) a combination carrier:
- (h) a ro-ro cargo ship (vehicle carrier):
- (i) a ro-ro cargo ship:
- (j) a ro-ro passenger ship:
- (k) an LNG carrier:

(l) a cruise passenger ship:

**category A ship** has the meaning set out in the Polar Code:

**combination carrier** has the meaning set out in regulation 2 of Annex VI:

**container ship** has the meaning set out in regulation 2 of Annex VI:

**conventional propulsion**, in relation to a ship, means a method of propulsion of the ship where a main reciprocating internal combustion engine is the prime mover and coupled to a propulsion shaft either directly or through a gear box:

**cruise passenger ship** has the meaning set out in regulation 2 of Annex VI:

**gas carrier** has the meaning set out in regulation 2 of Annex VI:

**general cargo ship** has the meaning set out in regulation 2 of Annex VI:

**LNG carrier** has the meaning set out in regulation 2 of Annex VI:

**major conversion** has the meaning set out in regulation 2 of Annex VI:

**non-conventional propulsion**, in relation to a ship, means a method of propulsion of the ship, other than conventional propulsion, including diesel-electric propulsion, turbine propulsion, and hybrid propulsion systems:

**passenger ship** has the meaning set out in regulation 2 of Annex VI:

**Polar Code** has the meaning set out in regulation 2 of Annex VI:

**polar waters** means any of the following:

(a) Arctic waters:

(b) the Antarctic area:

**refrigerated cargo carrier** has the meaning set out in regulation 2 of Annex VI:

**Required Annual Operational CII** means the target value of Attained Annual Operational CII in accordance with rule 199.489 for the specific ship type and size:

**Required EEDI** means the maximum value of Attained EEDI that is permitted under rule 199.484 for a specific ship type and size:

**Required EEXI** means the maximum value of attained EEXI that is permitted under rule 199.486 for the specific ship type and size:

**ro-ro cargo ship** has the meaning set out in regulation 2 of Annex VI:

**ro-ro cargo ship (vehicle carrier)** has the meaning set out in regulation 2 of Annex VI:

**ro-ro passenger ship** has the meaning set out in regulation 2 of Annex VI:

**SEEMP** means the Ship Energy Efficiency Management Plan required under rule 199.501:

**ship delivered on or after 1 September 2019** has the meaning set out in regulation 2 of Annex VI:

**tanker** has the meaning set out in regulation 2 of Annex VI.

### **Subsection C8A Energy efficiency design index**

#### **199.483 Application of subsection C8A**

- (1) This subsection applies to a passenger ship or a carbon intensity ship that is a New Zealand ship that is 400 gross tonnage or more and engaged in a domestic voyage that is any of the following:
- (a) a ship—

- (i) for which the building contract is placed on or after 1 January 2017; or
- (ii) in the absence of a building contract, constructed on or after 1 July 2017; or
- (iii) the delivery of which is on or after 1 July 2019:
- (b) a ship that has undergone a major conversion on or after the date this rule 199.483 comes into force that is so extensive it is regarded by the Director as a newly constructed ship:
- (c) a ship with non-conventional propulsion that is delivered on or after 1 September 2019 that is—
  - (i) a cruise passenger ship; or
  - (ii) an LNG carrier.
- (2) Other than in subrule (1)(c), this subsection does not apply to a ship with non-conventional propulsion.
- (3) This subsection does not apply to any of the following ships:
  - (a) a ship not propelled by mechanical means:
  - (b) a category A ship.

**199.484 Attained energy efficiency design index**

- (1) The owner and the master of a ship must ensure an Attained EEDI is calculated at the following times, as applicable:
  - (a) for a ship—
    - (i) that is a New Zealand ship on the day before this rule 199.484 comes into force, upon the scheduled time specified in Schedule 1.2.3(2); or
    - (ii) that becomes a New Zealand ship on or after the date this rule 199.484 comes into force, before the ship operates as a New Zealand ship:
  - (b) upon a major conversion of the ship.
- (2) The owner and the master of a ship must ensure an Attained EEDI—
  - (a) is calculated for the ship in accordance with regulation 22 and, where the ship is a carbon intensity ship, regulation 24 of Annex VI, taking into account guidelines developed by the IMO titled *Guidelines On The Method Of Calculation Of The Attained Energy Efficiency Design Index (EEDI) for new ships*; and
  - (b) meets the standards and requirements in Annex VI; and
  - (c) is accompanied by the EEDI technical file in accordance with regulation 22.1 of Annex VI; and
  - (d) is verified by the Director.
- (3) The Director must verify the Attained EEDI under subrule (2)(d) in accordance with regulation 22 and, where the ship is a carbon intensity ship, regulation 24 of Annex VI.
- (4) The Attained EEDI must be calculated for each ship at the following times:
  - (a) at the survey identified in regulations 5.4.1, 5.4.2, and 5.4.3 of Annex VI, as applicable:
  - (b) after a ship has undergone a major conversion, in accordance with regulation 5.4.3 of Annex VI.



- (5) Where the ship is a carbon intensity ship, the Attained EEDI of a ship must be less than or equal to the Required EEDI of the ship calculated in accordance with regulation 24 of Annex VI and according to the reference line values and the reduction factors that are applicable to the ship as specified in that regulation.

### **Subsection C8B Energy efficiency existing ship index**

#### **199.485 Application of subsection C8B**

- (1) This subsection applies to a carbon intensity ship that is a New Zealand ship that is 400 gross tonnage or more and engaged in a domestic voyage.
- (2) This subsection also applies to a ship in subrule (1) that has undergone a major conversion on or after the date this subsection comes into force.
- (3) This subsection also applies to a ship in subrule (1) with non-conventional propulsion that is—
  - (a) a cruise passenger ship; or
  - (b) an LNG carrier.
- (4) Other than in subrule (3), this subsection does not apply to a ship with non-conventional propulsion.
- (5) This subsection does not apply to any of the following ships:
  - (a) a ship not propelled by mechanical means:
  - (b) a category A ship.

#### **199.486 Attained energy efficiency existing ship index**

- (1) The owner and the master of a ship must ensure an Attained EEXI is calculated at the following times, as applicable:
  - (a) for a ship—
    - (i) that is a New Zealand ship on 1 January 2023, upon the scheduled time specified in Schedule 1.2.5(2); or
    - (ii) that becomes a New Zealand ship after 1 January 2023, before the ship operates as a New Zealand ship:
  - (b) upon a major conversion of the ship.
- (2) Subject to subrule (5), the owner and the master of a ship must ensure an Attained EEXI—
  - (a) is calculated for the ship in accordance with regulations 23 and 25 of Annex VI, taking into account guidelines developed by the IMO titled *Guidelines On The Method Of Calculation Of The Attained Energy Efficiency Existing Ship Index (EEXI)*; and
  - (b) meets the standards and requirements in Annex VI; and
  - (c) is accompanied by the EEXI technical file in accordance with regulation 23.1 of Annex VI; and
  - (d) is verified by the Director.
- (3) The Director must verify the Attained EEXI under subrule (2)(d) in accordance with regulation 23 of Annex VI.
- (4) The Attained EEXI must be verified—
  - (a) at the intermediate, or renewal survey identified in regulation 5.1 of Annex VI or the initial survey identified in regulation 5.4.1 and 5.4.3 of Annex VI, whichever is the first, on or after the date this subsection comes into force, in accordance with regulation 5.4.7 of Annex VI; and

- (b) at the general or partial survey, according to the circumstances, after a ship has undergone a major conversion, in accordance with regulation 5.4.8 of Annex VI.
- (5) For a ship to which subsection C8A applies, the verified Attained EEDI may be taken as the Attained EEXI if the value of the Attained EEDI is equal to or less than that of the Required EEXI, in accordance with regulation 23 of Annex VI.

**Subsection C8C Operational carbon intensity**

**199.487 Application of subsection C8C**

- (1) This subsection applies to a carbon intensity ship that is a New Zealand ship that is 5,000 gross tonnage or more engaged in a domestic voyage.
- (2) This subsection does not apply to any of the following ships:
  - (a) a ship not propelled by mechanical means:
  - (b) a category A ship.

**199.488 Attained annual operational carbon intensity indicator**

- (1) The owner and the master of a ship must ensure an Attained Annual Operational CII—
  - (a) is calculated for the ship in accordance with regulation 28 of Annex VI, taking into account guidelines developed by the IMO titled as follows:
    - (i) *Guidelines On Operational Carbon Intensity Indicators And The Calculation Methods:*
    - (ii) *Guidelines On The Reference Lines For Use With Operational Carbon Intensity Indicators:*
    - (iii) *Guidelines On The Operational Carbon Intensity Reduction Factors Relative To Reference Lines:*
    - (iv) *Guidelines On The Operational Carbon Intensity Rating Of Ships;* and
  - (b) meets the standards and requirements in Annex VI; and
  - (c) is verified by the Director.
- (2) The Director must verify the Attained Annual Operational CII under subrule (1)(c) in accordance with regulation 6.6 of Annex VI.
- (3) The Attained Annual Operational CII must be calculated, and reported to the Director, for each ship—
  - (a) from the initial time specified in Schedule 1.2.6(2), before the end of March of each calendar year; or
  - (b) in the event of a transfer of the ship addressed in regulations 27.4, 27.5, or 27.6 of Annex VI, at the times in accordance with regulation 28 of Annex VI.

**199.489 Operational carbon intensity rating**

- (1) For each ship, and upon receipt of all the appropriate data and information required to do so, the Director must verify the operational carbon intensity rating for the ship in accordance with regulation 28.6 of Annex VI.
- (2) If the rating verified under subrule (1) is such that a corrective action plan is required in accordance with regulation 28.7 of Annex VI, the owner and the master of the ship to which the rating relates to must—
  - (a) develop a plan of corrective actions to achieve the Required Annual Operational CII; and
  - (b) review the SEEMP for the ship to include the plan of corrective actions; and

- (c) submit the reviewed SEEMP to the Director in accordance with regulation 28.8 of Annex VI.
- (3) The owner and the master must undertake the planned corrective actions in accordance with the updated SEEMP and regulation 28.9 of Annex VI.

**199.490 to 199.499**      **Reserved**

## **Section C9**            **Ship energy efficiency management plan**

### **199.500**      **Application of section C9**

- (1) This section applies to a New Zealand ship that is 400 gross tonnage or more engaged in a domestic voyage.
- (2) This section does not apply to a ship not propelled by mechanical means.

### **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 26 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 27.1 of Annex VI and the format and processes to be used to report the data to the Director in accordance with regulation 27 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 26 of Annex VI.

**199.502 Retention of Ship Energy Efficiency Management Plan**

- (1) The owner and the master must ensure the Ship Energy Efficiency Management Plan is kept on board the ship.
- (2) The Ship Energy Efficiency Management Plan must be placed on board the ship in accordance with regulation 5.4.4 of Annex VI.

**199.503 to 199.519 Reserved**

**Section C10 Collecting and reporting ship fuel oil consumption data**

**199.520 Application of section C10**

- (1) This section applies to a New Zealand ship that is 5,000 gross tonnage or more engaged in a domestic voyage.
- (2) This section does not apply to a ship not propelled by mechanical means.

**199.521 Definitions of terms used in section C10**

In this section:

**consumption data**, in relation to a ship, means the data specified in Appendix IX of Annex VI relevant to that ship, other than the identification data:

**identification data**, in relation to a ship, means the data specified in Appendix IX of Annex VI for identifying the ship.

**199.522 Collection, reporting, and retention of ship fuel oil consumption data**

- (1) The owner of a ship must collect the consumption data relevant to the ship in accordance with the methodology specified in the Ship Energy Efficiency Management Plan required for that ship under rule 199.501(2).
- (2) The consumption data must be collected under subrule (1) for each year or part of a year, as appropriate, in accordance with the methodology included in the Ship Energy Efficiency Management Plan.
- (3) The owner must submit the consumption data, together with the identification data, to the Director in accordance with—
  - (a) the ship's Ship Energy Efficiency Management Plan; and
  - (b) the additional reporting requirements in Schedule 4.
- (4) The owner must ensure the disaggregated consumption data of the ship that underlies the consumption data reported under subrule (3) for the previous calendar year is—
  - (a) readily accessible for a period of not less than 12 months from the end of that calendar year; and
  - (b) be made available to the Director upon request.

**199.523 Verification of data**

Upon receipt of the data submitted under rule 199.522(3) the Director must—

- (a) determine whether the data has been reported in accordance with regulations 6.6 and 6.7 of Annex VI; and
- (b) verify the data in accordance with regulation 27 of Annex VI.

**199.524 Statement of Compliance**

- (1) Upon receipt of—
  - (a) the data submitted under rule 199.522(3) in accordance regulation 27 of Annex VI; and
  - (b) the Attained Annual Operational CII in accordance regulation 28.2 of Annex VI—

the Director must, if satisfied all requirements relating to the data and the Attained Annual Operational CII are complied with, issue a Statement of Compliance relating to the fuel oil consumption and operational carbon intensity rating of the ship in accordance with regulation 6 of Annex VI.

- (2) The Statement of Compliance must be drawn up in accordance with the form in Appendix X of Annex VI.
- (3) The Statement of Compliance is valid for the applicable period specified in regulation 9.12 of Annex VI.
- (4) A Statement of Compliance is not a marine protection document for the purposes of the Act.

**199.525 Statement of Compliance to be kept on board ship**

- (1) The owner and the master of the ship to which the Statement of Compliance relates must ensure that it is kept on board that ship during the period that the Statement of Compliance is valid but, in any event, for at least 5 years.
- (2) The Statement of Compliance must be held from the following time:
  - (a) for a ship that is a New Zealand ship on the date this rule 199.525 comes into force, upon the scheduled time specified in Schedule 1.2.7(2):
  - (b) for any other New Zealand ship, upon the first survey in accordance with the applicable survey schedule specified in regulation 6 of Annex VI.

**199.526 to 199.599 Reserved**

## Subpart D Foreign Ships

### Section D1 General compliance — foreign ships

#### 199.600 Application

This section applies to a foreign ship in New Zealand jurisdiction.

#### 199.601 Compliance with Annex VI by a Party State

The owner and the master of a foreign ship that is registered in a Party State must ensure compliance with the requirements of Annex VI.

#### 199.602 Compliance with Annex VI by a non-Party State

The owner and the master of a foreign ship that is not registered in a Party State must ensure compliance with the requirements of Annex VI regardless that Annex VI has not been given effect by the State in which the ship is registered.

#### 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 (f).
- (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 (f) apply; and
  - (b) to a foreign ship regardless that the application of the rules referred to in subrules (1)(a) to (f) 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.

199.604 to 199.609 Reserved

### Section D2 Port State Control

#### 199.610 Application

Except as otherwise further limited in a rule in this section, this section applies to a foreign ship in a port or offshore terminal in New Zealand jurisdiction.

**199.611 Requirement for certificates**

- (1) The owner and the master of a foreign ship to which Annex VI applies must hold the certificates and documents required by Annex VI.
- (2) The owner and the master of a foreign ship that is not registered in a Party State must—
  - (a) hold the equivalent documents to those required in subrule (1), in respect of the ship (including its marine diesel engines), that certify compliance with Annex VI requirements issued by a classification society that is a current full member of the International Association of Classification Societies; and
  - (b) ensure that, if the language of the ship's equivalent certificates and documents are not in English, the text includes a translation into English.
- (3) The owner and the master of the ship must ensure that the certificates and documents are—
  - (a) carried on board the ship at all times; and
  - (b) made readily available for inspection by the Director.
- (4) The certificates and documents referred to in subrules (1) and (2) must be valid and include, as applicable, those listed in Schedule 3.

**199.612 Requirement for Statement of Compliance**

- (1) This rule 199.612 does not apply to a ship not propelled by mechanical means.
- (2) The owner and the master of a ship that is 5,000GT or more must ensure that—
  - (a) for a ship registered in a Party State, a valid Statement of Compliance in accordance with Annex VI is held in relation to the ship; and
  - (b) for a ship whose flag State is not a Party State, documentary evidence is held that is issued by or on behalf of that State that the ship complies with the requirements of the State, equivalent to the requirements in Annex VI, for the reporting of fuel oil consumption and operational carbon intensity rating; and
  - (c) the Statement of Compliance or the documentary evidence, as applicable, must be kept on board the ship.

**199.613 Non-compliant fuel oil**

- (1) The owner and the master of a ship must notify the Director as soon as practicable when compliant fuel oil for use on board the ship for combustion purposes is unable to be purchased.
- (2) The Director may, if the quality of fuel oil used on board a ship for combustion purposes is found not to meet the requirements set out in regulation 18 of Annex VI—
  - (a) inform the Party State or non-Party State under whose jurisdiction a bunker delivery note was issued in respect of the ship, of delivery of any non-compliant fuel oil, giving all relevant information; and
  - (b) require such remedial action to be taken by the owner and the master as the Director considers appropriate to bring the non-compliant fuel oil into compliance.

**199.614 SEEMP inspection**

The Director may inspect a ship to determine whether the Ship Energy Efficiency Management Plan (SEEMP) relating to the ship is implemented in accordance with regulation 28 of Annex VI.

199.615 to 199.619 Reserved

## Subpart E Issue of certificates by or on behalf of another Party State

### 199.620 Issue of IAPP or IEE certificate by another Party State in respect of a New Zealand ship

- (1) The Director may request the Government of another Party State—
  - (a) to survey a ship to which this Part applies; and
  - (b) to—
    - (i) issue, or authorise the issue of; or
    - (ii) endorse, or authorise the endorsement of—

an IAPP certificate or IEE certificate, in accordance with the requirements of Annex VI, in respect of that ship if the Government of the other Party State is satisfied that the ship complies with the requirements of Annex VI.
- (2) Where an IAPP certificate or IEE certificate is issued under subrule (1) the certificate is deemed to have been issued by the Director under rules applicable to the issue of that certificate in Subpart B (for an IAPP or IEE certificate).
- (3) A certificate issued under this rule is a marine protection document for the purposes of the Act.

### 199.621 Issue of IAPP or IEE certificate in respect of a ship that is not a New Zealand ship

- (1) When requested to do so by a Government of another Party State, the Director—
  - (a) may arrange for a foreign ship to be surveyed in accordance with Annex VI and the NO<sub>x</sub> Technical Code as applicable; and
  - (b) must, subject to the payment of any appropriate fees as prescribed by regulations made under the Act, issue in respect of that ship an IAPP certificate or IEE certificate, or endorse the IAPP certificate or IEE certificate, in accordance with the requirements of Annex VI, if the Director is satisfied that the requirements of Annex VI are complied with.
- (2) An IAPP certificate or IEE certificate issued pursuant to paragraph (1) must—
  - (a) be in English in the form set out in Appendix 1 of Annex VI; and
  - (b) contain a statement that it has been issued at the request of the Party State; and
  - (c) have the same effect as if it had been issued by the Government of the Party State who made the request referred to in subrule (1) and not by the Director.
- (3) The Director must send, as soon as possible, to the Government of the Party State who made the request referred to in subrule (1) a copy of—
  - (a) the IAPP certificate or IEE certificate issued under that subrule; and
  - (b) the survey report.
- (4) The Director must not issue an IAPP certificate or IEE certificate in respect of a ship that—



- (a) is registered in a country whose Government is not a Government of another Party State, or
  - (b) is not so registered, but is entitled to fly the flag of a country whose Government is not a Government of another Party State.
- (5) A certificate issued under this rule is a marine protection document.
- (6) The owner of the foreign ship in respect of which a request is made under subrule (1), is responsible for the costs of the survey, and any other associated costs of the surveyor or Director in relation to the issue or endorsement of the certificate.
- (7) A certificate issued by the Director under this rule must be for a period in accordance with Annex VI.

**199.622 to 199.639      Reserved**

## Subpart F Unmanned non-self-propelled (UNSP) barges

### 199.640 Purpose of Subpart F

The purpose of this Subpart is to set the conditions upon which an unmanned non-self-propelled barge may have an IAPP Exemption Certificate issued in relation to it.

### 199.641 Application of Subpart F

This Subpart applies to an unmanned non-self-propelled barge to which this Part applies.

### 199.642 IAPP Exemption Certificate may substitute for IAPP certificate

- (1) The owner of an unmanned non-self-propelled barge to which section B1 or C1 applies is not required to hold an IAPP certificate for the barge provided—
  - (a) there is a valid IAPP Exemption Certificate issued under rule 199.644 in relation to the barge; and
  - (b) the requirements in this rule 199.642 are met.
- (2) The owner and the master must ensure that the IAPP Exemption Certificate is—
  - (a) carried on board the ship; and
  - (b) readily available for inspection by the Director and by authorised persons acting on behalf of a Party State at all times.
- (3) The owner and the master must comply with the conditions to which the certificate is subject.
- (4) It is a condition of each exemption certificate issued in respect of a barge that neither persons nor living animals are on board the barge during its voyage.

### 199.643 Survey to confirm barge meets certain conditions

Before an IAPP Exemption Certificate can be issued, a survey must confirm, taking into account IMO guidelines titled *Guidelines For Exemption Of Unmanned Non-Self-Propelled (UNSP) Barges From Certain Survey And Certification Requirements Under The MARPOL Convention*, that the barge—

- (a) is not propelled by mechanical means; and
- (b) has no system, equipment, or machinery fitted that may generate emissions regulated by Annex VI; and
- (c) is fit for purpose for use as a barge on a voyage with neither persons nor living animals on board.

### 199.644 Application for and issue of an exemption certificate

- (1) The owner of an unmanned non-self-propelled barge must apply to the Director for an IAPP Exemption Certificate—
  - (a) in accordance with section 269 of the Act; and
  - (b) including in the application a survey report by a surveyor confirming the conditions in rule 199.643 are met.
- (2) Upon an application under subrule (1) and, if satisfied with the survey report provided under subrule (1)(b), the Director must issue an IAPP Exemption Certificate—

- (a) in accordance with section 270 of the Act; and
  - (b) subject to such conditions as the Director considers appropriate in the circumstances; and
  - (c) subject to the condition in rule 199.642(4); and
  - (d) for a period not exceeding 5 years.
- (3) Each certificate issued by the Director must be in the form set out in Appendix XI of Annex VI.
- (4) Each IAPP Exemption Certificate is a marine protection document for the purposes of the Act.

**199.645 to 199.679      Reserved**

## Subpart G Surveyors

### 199.680 Recognition as a surveyor

- (1) The Director may, upon application in accordance with section 269 of the Act, recognise any suitably qualified person as a surveyor by issuing a marine protection document in accordance with section 270 of the Act.
- (2) A marine protection document may be issued to a person under subrule (1)—
  - (a) if the Director is satisfied that the person has the appropriate technical qualifications and experience to undertake the surveys prescribed in this Part; and
  - (b) for a period of up to 5 years.

### 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 24 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 22 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 26.2 and 26.3 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 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*

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*Tier III Limit*, adopted by the Marine Environment Protection Committee of the International Maritime Organization:

- (e) *Guidelines For The Application Of The NO<sub>x</sub> 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.

[Rule 199.5]

# SCHEDULE 1 Transitional, consequential, and related provisions

## Schedule 1.1 Consequential Amendments

The below is a summary of consequential amendments to other Parts of the Maritime or Marine Protection Rules by the instrument that created Part 199 (Marine Protection Rules Part 199: Prevention of Air Pollution from Ships). Refer to that instrument for full details.

Rules Part	Affected sections
Part 100: Port reception facilities	Part title, 100.2, 100.3, 100.13
Part 121B: Ship design and construction – ships other than oil tankers	121B.2
Part 132: New Zealand oil spill control agents	Part Objective, 132.2, 132.71
Part 170: Prevention of pollution from garbage from ships	170.1
Part 300: Ballast	300.2

## 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):
  - (7) Reserved
  - (8) Reserved
  - (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 1 January 2023:
- (1) Attained EEDI under rule 199.184:

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- (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 Reserved
- 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.



## SCHEDULE 2 Subsequent amendments to Part 199

These changes were made on 25 November 2022.

<b>Rule in Part 199</b>	<b>Current reference in rule to Annex VI regulation</b>	<b>Change Annex VI regulation reference to the following</b>
199.184(2)(a)	20	22
199.184(2)(a)	21	24
199.184(2)(c)	20	22
199.184(3)	20	22
199.184(3)	21	24
199.184(5)	21	24
199.201(1)	22	26
199.201(2)(a)	22A.1	27.1
199.201(2)(a)	22A	27
199.201(5)	22	26
199.223(b)	22A	27
199.224(1)(a)	22A	27
199.484(2)(a)	20	22
199.484(2)(a)	21	24
199.484(2)(c)	20	22
199.484(3)	20	22
199.484(3)	21	24
199.484(5)	21	24
199.501(1)	22	26
199.501(2)(a)	22A.1	27.1
199.501(2)(a)	22A	27
199.501(5)	22	26

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199.523(b)	22A	27
199.524(1)(a)	22A	27
199.681(4)(b)	21	24
199.681(4)(c)(i)	20	22
199.681(4)(d)(ii)	22.2	26.2
199.681(4)(d)(ii)	22.3	26.3

[Rule 199.611(4)]

## **SCHEDULE 3 Port State Control – required certificates and documents**

- 3.1 The certificates and documents required in rule 199.611 include the following:
- 3.1.1 the International Air Pollution Prevention Certificate (IAPP certificate) (regulation VI/6), including its Supplement; (where regulation VI/6 means regulation 6 of Annex VI):
  - 3.1.2 the Engine International Air Pollution Prevention Certificate (EIAPP certificate) (2.2 of the NO<sub>x</sub> Technical Code) including its Supplement, for each applicable marine diesel engine:
  - 3.1.3 the Technical File (2.3.4 of the NO<sub>x</sub> Technical Code) for each applicable marine diesel engine:
  - 3.1.4 depending on the method used for demonstrating NO<sub>x</sub> compliance for each applicable marine diesel engine—
    - (a) the Record Book of Engine Parameters for each marine diesel engine (6.2.2.7 of the NO<sub>x</sub> Technical Code) demonstrating compliance with regulation VI/13 by means of the marine diesel engine parameter check method; or
    - (b) documentation relating to the simplified measurement method; or
    - (c) documentation related to the direct measurement and monitoring method:
  - 3.1.5 for a ship to which regulation VI/13.5.1 applies for a particular NO<sub>x</sub> Tier III emission control area and that has one or more installed marine diesel engines certified to both Tier II and Tier III or which has one or more marine diesel engines certified to Tier II only, the required log book and the recordings for the tier and on/off status of those marine diesel engines while the ship is within an applicable NO<sub>x</sub> Tier III emission control area:
  - 3.1.6 the Approved Method File (regulation VI/13.7):
  - 3.1.7 the written procedures covering fuel oil change over operations (in a working language or languages understood by the crew) where separate fuel oils are used in order to achieve compliance (regulation VI/14.6):
  - 3.1.8 the approved documentation relating to exceptions and/or exemptions granted under regulation VI/3:
  - 3.1.9 the approved documentation (SECC where issued, ETM, OMM, SECP) and relating to any installed Exhaust Gas Cleaning System (EGCS) or equivalent means, to reduce SO<sub>x</sub> emissions (regulation VI/4):
  - 3.1.10 the required EGCS monitoring records and the EGCS Record Book including nitrate discharge data and performance records, or approved alternative:
  - 3.1.11 the bunker delivery notes (BDNs) and, where applicable, representative samples or records thereof (regulation VI/18):
  - 3.1.12 the copy of the type approval certificate of applicable shipboard incinerator (resolutions MEPC.76(40) or MEPC.244(66)):
  - 3.1.13 the Ozone Depleting Substances Record Book (regulation VI/12.6):
  - 3.1.14 the VOC Management Plan (regulation VI/15.6):

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- 3.1.15 any notification to the ship's flag Administration issued by the master or officer in charge of the bunker operation together with any available commercial documentation relevant to non-compliant bunker delivery, regulation VI/18.2:
- 3.1.16 if the ship has not been able to obtain compliant fuel oil, the notification to the ship's flag Administration and the Director:
- 3.1.17 the Ship Energy Efficiency Management Plan (SEEMP):
- 3.1.18 the International Energy Efficiency Certificate.
- 3.2 The Record Books referenced in clauses 3.1.4, 3.1.5, 3.1.10, and 3.1.13 above may be presented in an electronic format, provided a declaration from the appropriate State is able to be viewed in order to accept this Electronic Record Book. If a declaration cannot be provided, a hard copy Record Book will need to be presented for examination.
- 3.3 On ships equipped with equivalent means of compliance, the documents required in rule 199.611 include:
  - 3.3.1 evidence that the ship has received an appropriate approval for any installed equivalent means (approved, under trial or being commissioned):
  - 3.3.2 evidence that the ship is using an equivalent means, as identified on the Supplement of the IAPP certificate, for fuel oil combustion units on board or that compliant fuel oil is used in equipment not so covered:
  - 3.3.3 bunker delivery notes on board that indicate that the fuel oil is intended to be used in combination with an equivalent means of SO<sub>x</sub> compliance or the ship is subject to a relevant exemption to conduct trials for SO<sub>x</sub> emission reduction and control technology research.

[Rules 199.222(3)(b) and 199.522(3)(b)]

## **SCHEDULE 4 Additional requirements for the reporting of ship fuel oil consumption data**

### **4.1 Application and general requirement**

- 4.1.1 Rules 199.222(3)(b) and 199.522(3)(b) require the submission of data by the owner of the ship to be reported to the Director in accordance with this Schedule.
- 4.1.2 This Schedule applies to the owner depending on the particular circumstances described below.

### **4.2 Reporting consumption data when clauses 4.3, 4.4, 4.5, and 4.6 do not apply**

- 4.2.1 Clause 4.2 applies to a ship that is a New Zealand ship—
  - (1) on the date this Schedule 4 comes into force and remains so on 31 December 2022; or
  - (2) on or before 1 January of any year after 2022 and remains so on 31 December of that year (calendar year).
- 4.2.2 Consumption data of ship must be aggregated by item for—
  - (1) where subclause 4.2.1(1) applies, the period from the date this Schedule 4 comes into force to 31 December 2022; and
  - (2) where subclause 4.2.1(2) applies, a calendar year.
- 4.2.3 The data in clause 4.2.2 and the identification data must be reported to the Director by electronic means in the form in Appendix IX of Annex VI by 31 March of the following year.
- 4.2.4 Consumption data must be kept until December of the next calendar year.
- 4.2.5 Data must be reported to Director at the Director's request during the period data is required to be kept.

### **4.3 Reporting consumption data on transfer of registry**

- 4.3.1 Clause 4.3 applies to a ship ceasing to be registered as a New Zealand ship and being registered in another place on a day in the calendar year (transfer day).
- 4.3.2 Consumption data must be aggregated by item for that part of a calendar year it is registered in New Zealand.
- 4.3.3 The data in clause 4.3.2 and identification data must be reported to the Director by electronic means in the form in Appendix IX of Annex VI within 30 days beginning on the transfer day.
- 4.3.4 Consumption data must be kept until 12 months after the transfer day.
- 4.3.5 Data must be reported to Director at the Director's request during period data is required to be kept.

### **4.4 Reporting consumption data on change of owner**

- 4.4.1 Clause 4.4 applies if a person (new owner) replaces another person (original owner) as the owner of the ship on a day (replacement day) in a calendar year.

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- 4.4.2 The original owner must ensure consumption data is aggregated by item for that part of a calendar year it is the owner of the ship.
- 4.4.3 The original owner must report this and identification data of ship to the Director by electronic means in the form Appendix IX of Annex VI within 30 days beginning on the replacement day.
- 4.4.4 The original owner must keep consumption data until 12 months after the replacement day.
- 4.4.5 The original owner must report data to Director at the Director's request during period data is required to be kept.
- 4.4.6 The new owner must ensure consumption data is aggregated by item for that part of a calendar year it is the owner of the ship.
- 4.4.7 The new owner must report this and identification data of ship to the Director by electronic means in the form Appendix IX of Annex VI by 31 March of the following year or, if the new owner ceases to be the new owner, 30 days beginning on the day they cease to be the owner.
- 4.4.8 The new owner must keep consumption data until the expiry of 31 December of the next calendar year or, if the new owner ceases to be the new owner, 12 months after they cease to be the new owner.
- 4.4.9 The new owner must report data to Director at the Director's request during period data is required to be kept.

### **4.5 Reporting consumption data on change of company**

- 4.5.1 Clause 4.5 applies if a company (new owner) replaces another company (original owner) as the owner of the ship on a day (replacement day) in a calendar year.
- 4.5.2 The same requirements apply as clause 4.4 but replacing original owner with original company and new owner with new company.

### **4.6 Reporting consumption data on both transfer of registry and change of company**

- 4.6.1 Clause 4.6 applies to a ship ceasing to be registered as a New Zealand ship and being registered in another place on a day in the calendar year (transfer day) and at the same time the company (new owner) replaces another company (original owner) as the owner of the ship.
- 4.6.2 The same requirements apply as clause 4.3.