

APPENDIX 2

ITC

PROPOSED

REGULATORY AMENDMENTS PACKAGE 3 (RAP 3)

Maritime Rules Amendments 2026

Marine Protection Rules Amendments 2026

DRAFT FOR PUBLIC CONSULTATION

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Code key to amendments

The following colour-key applies to the amendment notation used in these proposed amendments:

inserts new rule: in green and underline

~~deletes current rule: in red and cross-through~~

Comments: in blue and boxed

Amendments relating to RAP 3 – SeaCert – Skipper Two Nautical Miles – S2NM

Entry into force

This proposed amendment is proposed to come into force on 14 August 2026

Amendments to Part 31: Crewing and Watchkeeping

Part 31 Table 18 Crewing for fishing vessels – Inshore limits and Inshore fishing limits

Less than 6 m operating within 2 nautical miles of the shoreline <u>within inshore and inshore fishing limits</u>	Master	S2NM	1
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Amendments to Part 32: Seafarer Certification

Part 32 Table 2A Amendment

Table 2A Table of requirements for S2NM

1	Age	is at least 18 years of age.
2	Prior certification	none.
3	Medical and eyesight	demonstrates the applicable requirements of Part 34.
4	Competency and training standard	meets the following competencies: (a) safe navigation and use of electronic navigational systems; (b) management of the vessel and operation of its propulsion; (c) knowledge of the legal requirements for operating a vessel; (d) management of emergency situations.
5	Sea service	100 hours of self-declared <u>approved</u> sea service on any vessel or have equivalent experience operating a vessel.
6	Training	successfully completes relevant training.
7	Examinations	passes any examinations that the Director may require for S2NM.
8	Ancillaries and GMDSS	demonstrates the following ancillary proficiencies in accordance with rule 32.16: (a) first aid; (b) RROC.

32.41B Privileges of Skipper two nautical miles

- (1) Subrule (2) applies within 2 nautical miles of the shoreline that is within the following limits:
 - (a) for a non-passenger ship, within restricted limits;
 - (b) for a fishing vessel or a fishing ship, within enclosed water, inshore, and inshore fishing limits.
- (2) The privileges of a certificate of competency as Skipper two nautical miles are to perform the functions and duties of a master on a non-passenger ship or a fishing vessel or a fishing ship, of less than 6 metres in length, that is operated within 2 nautical miles of the shoreline within the limits described in subrule (1)—
 - (a) carrying 6 persons or fewer, during daylight hours; or
 - (b) carrying no other persons, during any hours.

32.43 Privileges of Skipper restricted limits

The privileges of a certificate of competency as Skipper restricted limits are to perform the functions and duties of a master on—

- (a) passenger and non-passenger ships less than 12 metres in length carrying 19 passengers or less within restricted limits; and
- (b) fishing vessels less than 12 metres in length within enclosed water, inshore, and inshore fishing limits.

32.61 Skipper restricted limits endorsed to 24 metres

- (1) The privileges of a certificate of competency as Skipper restricted limits endorsed to 24 metres in are to perform the functions and duties of—
 - (a) a master on passenger or non-passenger ships less than 24 metres in length carrying 19 passengers or less within restricted limits; and
 - (b) a master on fishing vessels less than 24 metres length within enclosed water, inshore, and inshore fishing limits; and
 - (c) a mate on commercial ships of less than 500 GT within restricted limits; and
 - (d) a mate on commercial ships of less than 24 metres in length overall within coastal limits.
- (2) The Director must endorse a certificate of competency for Skipper restricted limits to 24 metres if the Director is satisfied that the applicant has completed approved sea service of no less than 6 months on a commercial ship in a deck capacity.

32.62 Skipper restricted limits endorsed to 500 GT

- (1) The privileges of a certificate of competency as Skipper restricted limits endorsed to 500 GT are to perform the functions and duties of a—
 - (a) master on passenger or non-passenger ships less than 500 GT carrying 19 passengers or less within restricted limits; and
 - (b) master on fishing vessels of less than 500 GT within enclosed water, inshore, and inshore fishing limits; and
 - (c) mate on commercial ships of less than 24 metres in length overall within coastal limits.
- (2) The Director must endorse a certificate of competency for Skipper restricted limits endorsed to 500 GT if the Director is satisfied that the applicant has—
 - (a) completed approved sea service—
 - (i) of no less than 12 months within 5 years preceding the date of the application on ships of 12 metres in length or more while holding a current certificate of competency as Skipper restricted limits endorsed to 24 metres, or equivalent, that

- has included the completion of an approved training record book while on board a ship; or
- (ii) of no less than 18 months in command of commercial ships of 12 metres in length or more, that has included the completion of an approved training record book while on board a ship; and
- (b) passed any assessment or examination that the Director may require for the endorsement.

Amendments to Part 20: Operating Limits

20.61 Enclosed **water, inshore, offshore, and unlimited operating limits assigned under former Part 20**

A ship that was assigned operational limits that were enclosed **water**, inshore, or offshore limits, or the unlimited area, under Part 20 prior to its revocation by rule 20.63 is deemed to have been assigned the same limit as defined in this Part.

Amendments relating to RAP 3 – Part 199 Fuel Changeover, SO_x Compliance, and Equivalents

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:
- (c) anything or substance specified as a marine protection product in any marine protection transport instrument made for the purposes of rule 199.103, 199.403, or 199.604.

Section B4 Sulphur oxides (SO_x) and particulate matter

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199.103 Equivalents and associated requirements

- (1) 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.
- (2) Where an equivalent is being relied on to use a fuel oil with higher sulphur content than is set out in regulation 14.1 of Annex VI, the owner and the master must ensure the operation of that equivalent to achieve the same or better result as using fuel oil of a sulphur content that complies with regulation 14.1 of Annex VI, including any waste from that operation, complies with the requirements in any applicable marine protection transport instrument.
- (3) For the purposes of subrule (2), a marine protection transport instrument may—
 - (a) prescribe requirements relating to the operation of, and the control of waste produced by the operation of, any equivalent approved under rule 199.22 referred to in subrule (1); and
 - (b) specify anything or any substance to be a marine protection product in accordance with section 222(1) of the Act.
- (4) Nothing in this rule 199.103 authorises the discharge of any substance in contravention of any other enactment.

Section C4 Sulphur oxides (SO_x) and particulate matter

...

199.403 Equivalents and associated requirements

- (1) 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.
- (2) Where an equivalent is being relied on to use a fuel oil with higher sulphur content than is set out in regulation 14.1 of Annex VI, the owner and the master must ensure the the operation of that equivalent to achieve the same or better result as using fuel oil of a sulphur content that complies with regulation 14.1 of Annex VI, including any waste from that operation, complies with the requirements in any applicable marine protection transport instrument.
- (3) For the purposes of subrule (2), a marine protection transport instrument may—

(a) prescribe requirements relating to the operation of, and the control of waste produced by the operation of, any equivalent approved under rule 199.22 referred to in subrule (1); and

(b) specify anything or any substance to be a marine protection product in accordance with section 222(1) of the Act.

(4) Nothing in this rule 199.403 authorises the discharge of any substance in contravention of any other enactment.

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Subpart D Foreign Ships

Section D1 General compliance — foreign ships

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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 rule 199.604 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 and regardless of whether the foreign ship is on an international voyage.

~~(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 Equivalents and associated requirements

(1) Rule 199.603(1)(c) does not apply to a foreign ship to the extent that—

(a) the ship is operated in accordance with an equivalent that is approved (and accepted under section 271 of the Act) 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; and

(b) the owner and the master of the ship comply with the terms and conditions that apply to that equivalent; and

(c) the owner and the master ensure the operation of that equivalent, including any waste from that operation, complies with the requirements in any applicable marine protection transport instrument.

(2) For the purposes of subrule (1)(c), a marine protection transport instrument may—

(a) prescribe requirements relating to the operation of, and the control of waste produced by the operation of, any equivalent referred to in subrule (1)(a); and

(b) specify anything or any substance to be a marine protection product in accordance with section 222(1) of the Act.

(3) Nothing in this rule 199.604 authorises the discharge of any substance in contravention of any other enactment.

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199.605⁴ to 199.609 Reserved

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_x Technical Code) including its Supplement, for each applicable marine diesel engine:
 - 3.1.3 the Technical File (2.3.4 of the NO_x Technical Code) for each applicable marine diesel engine:
 - 3.1.4 depending on the method used for demonstrating NO_x 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_x 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_x 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_x 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~~ **changeover** 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_x 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):

- 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_x compliance or the ship is subject to a relevant exemption to conduct trials for SO_x emission reduction and control technology research.

Proposed Marine Protection Transport (Fuel Oil Changeover, So_x Compliance, and Equivalents) Instrument

MPTI-199-2/1

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

- (a) rules 199.22(2), 199.103(3), 199.403(3), and 199.604(2) of Part 199 provide for the matters in this marine protection transport instrument to be dealt with in a marine protection transport instrument; and
- (b) appropriate consultation has been carried out in accordance with section 452C of the Act.

Section 1 Preliminary provisions

1.1 Title

This marine protection transport instrument is the *Marine Protection Transport (Fuel oil changeover, SO_x compliance, and equivalents) Instrument* (also referred to as MPTI-199-2/1).

1.2 Commencement

This marine protection transport instrument comes into force on 21 September 2026.

in-force date is indicative only

1.3 What this marine protection transport instrument does

- (1) This marine protection transport instrument (MPTI-199-2/1)—
 - (a) specifies equivalents for New Zealand ships as provided for under rule 199.22(2) for the purposes of rules 199.103 and 199.403; and
 - (b) prescribes requirements relating to the operation of any equivalent or foreign equivalent, as provided for,—
 - (i) for New Zealand ships, in rules 199.103(3) and 199.403(3); and
 - (ii) for foreign ships, in rule 199.604(2).
- (2) This marine protection transport instrument sets out the requirements relating to or associated with the use of any equivalent or foreign equivalent, including, but not limited to—
 - (a) the circumstances in which an equivalent may be used; and
 - (b) the use of exhaust gas cleaning systems; and
 - (c) the circumstances in which fuel oil changeovers may be undertaken; and
 - (d) the procedures and processes, including record keeping and notifications, required to use an equivalent.

1.4 Conflicts

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

Section 2 Definitions

2.1 Definitions

- (1) All terms used in this marine protection transport instrument and defined in Part 199 but not defined in this marine protection transport instrument have the same meaning as set out in Part 199.
- (2) For the purposes of this marine protection transport instrument, unless the context otherwise requires,—

fuel oil changeover means the entire process, from beginning to end, of changing fuel oil that is supplied to an engine on a ship from a compliant fuel oil to a high sulphur fuel oil, or vice versa:

compliant fuel oil means a fuel oil that complies with regulation 14.1 of Annex VI:

discharge water means any water from an EGCS to be discharged overboard:

EGCS residue, in relation to an EGCS used in zero discharge operating mode on a ship,—

- (a) has the same meaning as in clause 2.1.1.4 of guidelines developed by the IMO titled *Guidelines For Risk And Impact Assessments Of The Discharge Water From Exhaust Gas Cleaning Systems*; and
- (b) is an Annex VI substance referred to in rule 199.24(e) and (f):

equivalent, in relation to a New Zealand ship, means 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 by 199.102 or 199.402:

EGCS means exhaust gas cleaning system:

exhaust gas cleaning system means a system designed to remove or reduce sulphur oxides (SO_x) from a ship's exhaust gases:

foreign equivalent, in relation to a foreign ship, means an approval, including any terms and conditions that attach to that approval, from the Administration of that ship's flag State 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:

high sulphur fuel oil means a fuel oil that does not comply with regulation 14.1 of Annex VI:

HSFO means high sulphur fuel oil:

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:

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

washwater, in relation to an EGCS used on a ship, means cleaning medium brought into contact with the exhaust stream for the reduction of SO_x:

zero discharge operating mode, in relation to an EGCS on a ship, means the use of that system such that no discharge water or EGCS residue is discharged from the ship into the marine environment from the use of that system.

Section 3 Application

3.1 Application of marine protection transport instrument MPTI-199-2/1

This marine protection transport instrument applies as set out in the various sections and subsections of this instrument.

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

Guidelines developed by the IMO titled *Guidelines For Risk And Impact Assessments Of The Discharge Water From Exhaust Gas Cleaning Systems*

Section 5 General compliance

- (1) This Section applies to the owner and the master of a ship for which an equivalent or a foreign equivalent is, or is intended to be, relied on as provided for in rule 199.103, 199.403, or 199.604.
- (2) The owner and the master must ensure,—
 - (a) for any ship, the applicable requirements in this instrument are complied with; and
 - (b) for a foreign ship in New Zealand jurisdiction, the terms and conditions of the foreign equivalent are complied with.
- (3) For a foreign ship, where subclause (2) of Section 6 is not complied with—
 - (a) the foreign equivalent referred to in rule 199.604 ceases to have effect in the territorial sea of New Zealand; and
 - (b) rule 199.402 will apply to that ship in accordance with rule 199.603(1)(c).
- (4) For a New Zealand ship, where subclause (2)(a) of Section 5 is not complied with—
 - (a) the equivalent referred to in rule 199.103 or 199.403, as applicable, ceases to have effect; and
 - (b) rule 199.102 or 199.402, as applicable, will apply to that ship.

Section 6 Operational requirements for EGCS

- (1) This section applies to the owner and the master of a ship on which EGCS is used or intended to be used.
- (2) The owner and the master must ensure the EGCS, when used within the territorial sea of New Zealand, is operated only in zero discharge operating mode.
- (3) The owner and the master must ensure the ship's position when the EGCS begins, and when it ceases, operating in zero discharge mode must be recorded in the ship's log book.

The consequence of Section 6(2) and Section 8(2) is that a ship may use an EGCS in the territorial sea of New Zealand but on the condition that it is used only in zero discharge mode and that no fuel oil changeover takes place within the territorial sea of New Zealand

Alternative option for consultation

The alternative option for consultation is that subclause (2) above permits EGCS to be operated in any mode in the territorial sea of New Zealand but, when it is moored, the EGCS must be operated in zero discharge mode. For this option, if the ship cannot operate the EGCS in zero discharge mode when moored, it must change over fuel oil before entering the territorial sea

Refer to the note box under subclause (2) of Section 8 below for the additional fuel oil changeover requirements for this alternative option

Submissions are sought on these options

Section 7 Equivalents - New Zealand ships

There are currently no equivalents approved for New Zealand ships and this MPTI does not provide any for them

Section 8 Fuel oil changeover requirements – foreign ships

- (1) This section applies to a foreign ship for which an EGCS is operated under a foreign equivalent.
- (2) The owner and the master of the ship must ensure—
 - (a) no fuel oil changeover, either partially or wholly, takes place within the territorial sea of New Zealand; and
 - (b) no flushing of the fuel system, as a result of the fuel oil changeover, occurs within the territorial sea of New Zealand.

If any fuel oil changeover is needed to comply with the alternative option being consulted on in section 6(2) of this MPTI (zero discharge when moored), the fuel oil changeover must only occur outside the territorial sea.

Submissions are sought on these options

- (3) The owner and the master of the ship must ensure the ship, when the ship is within a port in New Zealand jurisdiction, carries a written procedure—
 - (a) showing how the fuel oil changeover is to be done; and
 - (b) allowing sufficient time for any fuel oil changeover to be completed prior to entry into the territorial sea of New Zealand.
- (5) The owner and the master of the ship must ensure, when the ship is within a port in New Zealand jurisdiction, the log book is kept on board the ship.
- (6) The owner and the master of the ship must ensure the date, time, and position of the ship is recorded in the log book at the following times:
 - (a) when the fuel oil changeover is completed before the ship enters the territorial sea of New Zealand;
 - (b) when the fuel oil changeover is commenced after the ship leaves the territorial sea of New Zealand (except any foreign ship that commences this operation after it leaves New Zealand jurisdiction).

Amendments relating to RAP 3 – Part 199 Energy Efficiency

Amendments to Part 199: Prevention of air pollution from ships

Part objective

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

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

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

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

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

- for ships engaging in international voyages
 - ships of 400 gross tonnage or above to have an International Air Pollution Prevention Certificate (IAPP certificate) and an International Energy Efficiency Certificate (IEE certificate), ~~or~~
 - ships under 400 gross tonnage that are under a survey regime to have an Annex VI endorsement
- for ships engaging only in domestic voyages
 - ships of 400 gross tonnage or above, or under 400 gross tonnage that are under a survey regime, to have an Annex VI endorsement (for example on a Certificate of Survey for a ship if it is in MOSS) verifying compliance with Annex VI, ~~or~~
o ships of 400 gross tonnage or above, the Director may make marine protection transport instruments to impose requirements aligning with Annex VI carbon intensity standards.
 - ships 400 gross tonnage or ~~more above~~ 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 presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.

~~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).

...

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, ~~including in any marine protection transport instrument,~~ 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 sections C2 to C10 ~~and any marine protection transport instrument relating to those sections.~~

199.342 Annex VI endorsement requirements

- (1) The owner of a ship to which rule 199.341(1)(b) or rule 199.341(1A) 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 any~~ applicable requirements in sections C2 to C10 of this Part are complied with.

no applicable requirements will exist after these amendments, until the Director makes an instrument for CI

- (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 otherwise made available as follows:

- (a) for a ship for which a Certificate of Survey is required to be displayed under rule 19.65—
 - (i) the Annex VI endorsement is listed, including the date of endorsement, on the Certificate of Survey; and
 - (ii) the record of the Annex VI endorsement, signed by the endorser, is made available for inspection by the Director, if requested:
 - (b) for a ship for which a New Zealand Barge Safety Certificate is required to be held and retained under rule 46.24—
 - (i) the Annex VI endorsement is listed on the New Zealand Barge Safety Certificate; or
 - (ii) the record of the Annex VI endorsement, signed by the endorser, is made available for inspection by the Director, if requested:
 - (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.

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 any marine protection transport instrument relating to section C8**, this section applies to a New Zealand ship that is 400 gross tonnage or more engaged in a domestic voyage.

199.481A Carbon intensity requirements

- (1) **The owner must ensure that the carbon intensity requirements in any applicable marine protection transport instrument are complied with.**
- (2) **For the purposes of subrule (1), a marine protection transport instrument may prescribe carbon intensity requirements for ships to which subrule (1) applies as specified in accordance with rule 199.481.**

there is currently no proposed MPTI

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 ~~Reserved~~ 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 that the Attained EEDI requirements in any applicable marine protection transport instrument are complied with.~~

~~(2) For the purposes of subrule (1), a marine protection transport instrument may prescribe Attained EEDI requirements for ships to which subrule (1) applies as specified in accordance with rule 199.481.~~

there is currently no proposed MPTI

- ~~(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 **Reserved** 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 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 that the Attained EEXI requirements in any applicable marine protection transport instrument are complied with.
- (2) For the purposes of subrule (1), a marine protection transport instrument may prescribe Attained EEXI requirements for ships to which subrule (1) applies as specified in accordance with rule 199.481.

there is currently no proposed MPTI

- (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 **Reserved Application of subsection C8C**

- (1) 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 requirements indicator

- (1) The owner and the master of a ship must ensure that the operational carbon intensity requirements in any applicable marine protection transport instrument are complied with.
- (2) For the purposes of subrule (1), a marine protection transport instrument may prescribe operational carbon intensity requirements for ships to which subrule (1) applies as specified in accordance with rule 199.481.

there is currently no proposed MPTI

- ~~(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.~~

199.489490 to 199.499 Reserved

Section C9 Ship energy efficiency management plan

199.500 Application of section C9

- (1) Except as otherwise further limited by the application specified in any marine protection transport instrument relating to section C9. 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 that the Ship Energy Efficiency Management Plan requirements in any applicable marine protection transport instrument are complied with.
- (2) For the purposes of subrule (1), a marine protection transport instrument may prescribe Ship Energy Efficiency Management Plan requirements for ships to which subrule (1) applies as specified in accordance with rule 199.500.

there is currently no proposed MPTI

- ~~(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.~~

199.502503 to 199.519 Reserved

Section C10 Collecting and reporting ship fuel oil consumption data

199.520 Application of section C10

- (1) ~~Except as otherwise further limited by the application specified in any marine protection transport instrument relating to section C10,~~ 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 and the master of a ship must ensure that the collecting and reporting of ship fuel oil consumption data requirements in any applicable marine protection transport instrument are complied with.~~

~~(2) For the purposes of subrule (1), a marine protection transport instrument may prescribe collecting and reporting of ship fuel oil consumption data requirements for ships to which subrule (1) applies as specified in accordance with rule 199.520.~~

there is currently no proposed MPTI

~~(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.~~

199.523526 to 199.599 Reserved

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Subpart G Surveyors

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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, or B10 applies ~~or~~, or a ship to which a marine protection transport instrument made under section 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.

[Rule 199.5]

SCHEDULE 1 Transitional, consequential, and related provisions

...

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:
 - (2) ~~Reserved 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) ~~Reserved 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) ~~Reserved 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) ~~Reserved 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) ~~Reserved 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.

[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.
- 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.

Amendments relating to RAP 3 – International Amendments (arising from IMO resolution MEPC.343(78))

Amendments to Part 121A – Ship Design and Construction – Oil Tankers

121A.17 Subdivision and stability

- (1) The owner of any new ship (as defined in rule 121A.2) which is an oil tanker must ensure that it complies with –
 - (a) the subdivision and damage stability criteria specified in rule 121A.17(3); and
 - (b) the assumed side or bottom damage specified in rule 121A.17(2), at any operating draught reflecting actually, partial or full load conditions consistent with the trim and strength of the ship as well as the specific gravities of the cargo. Such damage must be applied to all conceivable locations along the length of the ships as follows:
 - (i) in any tanker of more than 225 metres in length, anywhere in the ship's length; and
 - (ii) in any tanker of more than 150 metres, but not exceeding 225 metres in length, anywhere in the ship's length except involving either after or forward bulkhead bounding the machinery space located aft. The machinery space is treated as a single floodable compartment; and
 - (iii) in any tanker not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space.

Ballast conditions where the tanker is not carrying oil in cargo tanks, excluding any oil residues, must not be taken in account.

- (2) ...
- (3) Subject to rule 121A.17(4), an oil tanker is to be regarded as complying with the damage stability criteria if the following requirements are met –
 - (a) ~~the final waterlines, taking into account sinkage, heel and trim, is below the lower edge of any opening through which progressive flooding can take place. Such openings include air pipes and those which are closed by means of weathertight doors or hatch covers and excludes those openings closed by means of watertight manhole covers and flush scuttles, small watertight cargo tank hatch covers which maintain the high integrity of the deck remotely operated watertight sliding doors, and sidescuttles of the non-opening type~~
~~the final waterline, taking into account sinkage, heel and trim, is below the lower edge of any opening through which progressive flooding may take place. Such openings include air pipes and those which are closed by means of weathertight doors or hatch covers and may exclude those openings closed by means of watertight manhole covers and flush scuttles, small watertight cargo tank hatch covers which maintain the high integrity of the deck, remotely operated sliding watertight doors, hinged watertight access doors with open/closed indication locally and at the navigation bridge, of the quick-acting or single-action type that are normally closed at sea, hinged watertight doors that are permanently closed at sea, and sidescuttles of the non-opening type;~~ and

replacing with new para 3.1 of reg28 of MARPOL Annex I
 - (b) in the final stage of flooding, the angle of heel due to unsymmetrical flooding does not exceed 25 degrees. This angle may be increased up to 30 degrees is not deck edge immersion occurs; and
 - (c) in the final stage of flooding the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of

at least 0.1 metre within the 20 degrees range and the area under curve within this range is not less than 0.0175 metre radians. Unprotected opening must not be immersed within this range unless the space concerned is assumed to be flooded. The immersion of any of the openings listed in rule 121A.17(3)(a) and other openings capable of being closed weatherright may be permitted within this range; and

- (d) the surveyor before approving the stability calculations for the ship for the purposes of the initial survey as required by rule 101A.4(2)(a) is satisfied that the stability is sufficient during intermediate stages of flooding.

...

Amendments relating to RAP 3 – Miscellaneous Fixes to Maritime and Marine Protection Rules

Amendments to Part: Operating Limits

Part objective

Part 20 defines operating limits for the purpose of all maritime rules. Its other main purpose is to require ships to be assigned operating limits and to provide for an obligation to keep within the lesser of the assigned operating limits or the operating limits that apply to the Master, subject to exceptions.

While the definitions in rule 20.2 may be referred to elsewhere in the maritime rules and therefore has a broader application, Part 20 otherwise applies to—

- New Zealand ships which are commercial ships
- Foreign ships operating commercially in New Zealand waters
- Foreign fishing vessels registered under the Fisheries Act 1996.

Part 20 does not apply to certain ships including—

- Pleasure craft
- Foreign ships visiting New Zealand ports, New Zealand offshore terminals or transiting New Zealand waters
- New Zealand ships which have current SOLAS certificates and are therefore already entitled to operate in unlimited waters. Limits do not need to be assigned to these ships.

Part 20 is made pursuant to the sections 36(1)(i), 36(1)(j) and 36(1)(zb) of the Maritime Transport Act 1994.

Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.

Part 32: Seafarer Certification

...

Table 37: Table of requirements for advanced tanker endorsements

1	Prerequisites	applicable basic tanker endorsement for tankers (oil and chemical or liquefied gas tankers).
4-2	1 Competency and training standard	demonstrates competencies at the level prescribed in regulation V/1-1-4 (oil tankers), V/1-1-6 (chemical tankers) or V/1-2-4 (liquefied gas tankers) of STCW (as applicable).
2-3	Sea Service	completes approved sea service that, at a minimum, meets the requirements described in regulation V/1-1-4 (oil tankers), V/1 1-6 (chemical tankers) or V/1-2-4 (liquefied gas tankers) of STCW as applicable.
3-4	Training	successfully completes relevant training.

4 5	Ancillaries	demonstrates the ancillary proficiencies for STCW basic training in accordance with rule 32.16.
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Amendments to Part 40D: Design, Construction and Equipment – Fishing Ships

40D.2 Definitions

In Part 40D, unless the context otherwise requires—

...

post-27 May 2004 ship—

- (a) means a ship—
 - (i) for which construction commences; or
 - (ii) which is converted into a fishing ship to which Part 40D applies, on or after 27 May 2004; and
- (b) post-27 May in relation to a boat or ship has a corresponding meaning.

pre-27 May 2004 ship—

- (a) means a ship—
 - (i) for which construction commences; or
 - (ii) which is converted into a fishing ship to which Part 40D applies, before 27 May 2004; and

pre-27 May 2004 in relation to a boat or ship has a corresponding meaning.

...

Amendments to Part 80: Marine Craft Involved in Adventure Tourism

Revoke Part 80

Part 81 revoked section 2 and Appendix 2 of Part 80 (as at 1 April 2011)

Part 82 revoked section 1 and Appendix 1 of Part 80 (as at 2 August 2012)

However, even though all the substantive elements of Part 80 have been revoked as described above, Part 80 itself has not been revoked.

Amendments to Part 90: Pilotage

90.3 Definitions and abbreviations

In this Part, unless the context otherwise requires—

...

appropriate means—

- (a) in relation to a pilot licence, of a grade appropriate to the size and type or category of ship, pilotage area and conditions to which the privileges of that licence apply;
- (b) in relation to a pilotage exemption certificate, appropriate to the size and type or category of ship (or to a specific ship or ships), pilotage area and conditions to which the privileges of that certificate apply:

...

Amendments to Part 103: Notifications – Oil and Noxious Liquid Substances

Part objective

Part 103 is concerned with procedures for notifying the **Director of Maritime Safety Authority of New Zealand** and regional councils of the following shipping operations involving harmful substances –

- The prospective operational transfer of oil or a noxious liquid substance to and from a ship, or an emergency transfer where the intention to transfer harmful substances has not already been notified; and
- The prospective arrival in a New Zealand port of a ship carrying oil or a noxious liquid substance in bulk as cargo.

Part 103 replaces the corresponding notification requirement found in the Marine Pollution Act 1974.

The Part requires at least 12 hours notice to be given of arrivals. Operational transfers must be notified at least 3 hours but not more than 4 days (96 hours) before starting. An emergency transfer need only be notified before it gets underway.

Part 103 covers –

- New Zealand ships
- New Zealand Defence Force ships
- Foreign ships

that are:

- (a) involved in transferring oil or noxious liquid substances carried in bulk to or from a ship in the internal waters or territorial sea of New Zealand; or
- (b) carrying oil or noxious liquid substances in bulk as cargo and will be arriving at a port in New Zealand.

The basis for Part 103 is found in section 229, 230, 240, 241, 388(j)(iii) and 388(m) of the Maritime Transport Act 1994.

~~Marine protection rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.~~

Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.

...

103.2 Definitions

In Part 103—

...

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

...

103.3 Application

- (1) Part 103 applies to—

- (a) every New Zealand ship; and
 - (b) every warship and every other ship of the New Zealand Defence Force; and
 - (c) every foreign ship.
- (2) Where a rule in Part 103 places an obligation on the master of any New Zealand ship, the same obligation will apply to the master of any warship or any other ship of the New Zealand Defence Force to which that rule applies.

Notification of transfers

103.4 Procedure for notifying transfers

- (1) Subrule 103.4(2) does not apply to any of the following operations:
- (a) a transfer of oil in the form of diesel from a self-service pump for the purposes of bunkering;
 - (b) a transfer of oil carried out under the authority of an on-scene commander exercising powers under Part 23 of the Act, or at the direction of the Minister of Transport under that Part of the Act;
 - (c) a transfer of oil which has been reported under rule 120.15 to 120.18 inclusive;
 - (d) a transfer of a noxious liquid substance which has been reported under rules 140.10 to 140.13 inclusive;
 - (e) STS operations to which rule 103.6 applies;
- (2) Notice of the transfer of oil or of any noxious liquid substance required by section 230 of the Act, ~~except in the case of — must —~~
- ~~(a) — a transfer of oil in the form of diesel from a self-service pump for the purposes of bunkering; or~~
 - ~~(b) — a transfer of oil carried out under the authority of an on-scene commander exercising powers under Part XXIII of the Act, or at the direction of the Minister of Transport under that Part of the Act; or~~
 - ~~(c) — a transfer of oil which has been reported under rule 120.15 to 120.18 inclusive; or~~
 - ~~(d) — a transfer of a noxious liquid substance which has been reported under rules 140.10 to 140.13 inclusive;~~
- ~~must:~~
- (a) be given, by facsimile or ~~by an~~ other means of telecommunication, ~~either to: —~~
 - (i) ~~to~~ the regional council within ~~whose~~ ~~which~~ region the transfer is intended to be made; or
 - (ii) ~~to~~ ~~where the transfer is intended to be made outside a region,~~ ~~to~~ the Director ~~where the transfer is intended to be made outside a region;~~ and
 - (b) be given, in the case of an operational transfer, not less than 3 hours but not more than 96 hours before the transfer is due to begin; and
 - (c) be given, in the event of an emergency transfer, prior to the transfer beginning; and
 - (d) state where the transfer of oil or noxious liquid substance is to take place; and
 - (e) state when the transfer is scheduled to begin and when it is scheduled to end; and
 - (f) state the type(s) of oil or noxious liquid substance(s) to be transferred, giving the correct technical name(s), UN number(s) (if applicable), flashpoint(s) (as appropriate), and quantity(y)(ies); and

- (gvii) provide details of the distribution of any oil or noxious liquid substances carried on board in bulk as cargo, including that which is to be transferred and that which is to remain on board; and
- (hviii) provide details of any defect of the hull, machinery or equipment which that could constitute a risk to the marine environment, including any defect affecting the safe manoeuvrability of the ship.

~~(e) — STS operations to which rule 103.6 applies;~~

Amendments to Part 199: Prevention of air pollution from ships

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~~ applies 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.